

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
January 7, 2013 - 7:00 PM

On January 7, 2013, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Belliveau and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow of The Middleboro Gazette was recording the meeting. Also LakeCAM was recording for local cable broadcast.

7:00 PM Meet with Sandra Conaty from SRPEDDD regarding South Coast Rail Five (5) year update on Community Priority Areas and Discuss five (5) tasks for the 43D Expedited Permitting Program

Sandra Conaty was present from SRPEDDD. Ms. Garbitt explained that Towns had to identify areas within their Town to be designated as part of the Expedited Permitting Program. Lakeville has identified the former Lakeville Hospital Site as its area for Expedited Permitting. Ms. Conaty stated that SRPEDDD worked with Lakeville a few years ago to see what areas the Town wanted to preserve and protect, and where they wanted to promote growth. SRPEDDD is revisiting the Towns to see if there have been any changes in their designated areas.

Ms. Conaty spoke about Executive Order #525 that Governor Patrick issued in September of 2010, providing guidance on the implementation of the South Coast Rail Economic Development and Land Use Corridor Plan. Towns have also been asked to track expenditures over a three (3) year period. The investment commitments have been mapped, and the map is available online. There is also new data available, and there have been great strides in information technology which can be brought forward to communities. Ms. Conaty asked if the Selectmen could designate a contact person to set up a workshop in the community. Also, the Board can suggest anyone else that they would like to see participate, such as Town staff or Board/Commission Members. Chairman Maksy stated that Linda Grubb has been part of the South Coast Rail Task Force, and he would suggest that she and the Building Commissioner participate. Ms. Garbitt stated that she has asked to have the Planning Board and the Part Time Planner/Conservation Agent become involved. Selectman Powderly stated that he would love to see builders and contractors being a part of this.

Chairman Maksy then asked about the 43D Expedited Permitting Program. Ms. Garbitt stated that the Town has 120 days from the date that the Selectmen voted to opt into the Expedited Permitting Program to put its program into place. The deadline is February 26, 2013. Ms. Conaty and Ms. Garbitt have been working on the Program Guidebook and the Permitting Rules and Regulations Guidebook. Ms. Garbitt said she is still waiting to receive some information from a few boards. She noted that the Building Commissioner and Fire Chief are looking to update their fees. There will still be time for them to do that prior to the final submittal. If a developer comes to the Town, they will have to come before the Design Review Committee. The Board has to decide who is to be on the Design Review Committee. Typically, it is made up of people from the Planning Board, Conservation Commission, the Building Commissioner, Fire Department, the Town Planner, etc. Selectman Powderly stated that he

would like to be on the committee. Ms. Conaty explained that when a developer has a project, they come before this committee to find out what permits they need to have. They would take that information and have all the engineering and design work done for those particular permits. Then, each member of the committee would be able to review the application and point out any red flags, prior to the developer appearing before the individual boards. This is a way to try and consolidate the process, rather than having the applicant initially go before all boards. It is not just issuing a permit. If the applicant does not meet the requirements of the permit, the answer can also be a no. Ms. Conaty said the permitting process must be completed within 180 days. The Massachusetts Environmental Policy Act (MEPA) is a separate process. Mass Historical has its own expedited process as well. The process is concurrent with the Town's process. If there is a State Permit or action by the State or Outside State Agency, then the 180 day time period can be waived.

Sylvester Zienkiewicz asked if this was only for the 43D process. Chairman Maksy responded that it was, and only for the Lakeville Hospital property. Mr. Zienkiewicz wanted to make sure that the Planning Board's Site Plan Review has not been eliminated. Ms. Conaty responded that Site Plan Review would still occur. Selectman Belliveau added that the Town is still doing due diligence to make sure the process takes place; it is just doing it in concurrence. Ms. Conaty further explained that this Committee is not making decisions, it is just advising what permits may be required for a particular project. Once the developer does the necessary studies, like traffic and wetlands delineation, then all the information is submitted at once and the applications and studies distributed to the appropriate issuing authorities. Then the normal processes take place concurrently. This is more for coordination in order to get things submitted. Ms. Conaty mentioned that some Towns hold joint public hearings with their boards on the same project. It would depend on what Lakeville would want to do. Mr. Zienkiewicz stated that he didn't know how it speeds up the process, since it still has to go to Conservation for approval before the Planning Board can do their part. The name of the Committee will be the Project Review Committee.

It was suggested to put an advertisement in the paper asking for a few at large people to serve on the committee, and send a letter to all Town boards asking for their representative for the Project Review Committee. Chairman Maksy asked to include the Police Department and Fire Department. Ms. Garbitt asked about a member of the Economic Development Committee. Chairman Maksy responded that that person could be one of the at large members. The deadline for letters of interest will be January 24th.

Review and vote on Request for Proposals for Green Community Grant Project Manager

Larry Simpson, Chairman of the Energy Advisory Committee, was present for the discussion. Ms. Garbitt stated that a Request for Proposals (RFP) has been prepared for a Project Manager to manage the Town's \$158,000 Green Communities Grant. Some of the bigger communities have in house staff to serve in this capacity, however, Lakeville does not. Selectman Powderly asked if the Town tells the potential Manager what they will get paid, or do they have to figure it out. Mr. Simpson stated that the amount can be no more than 10% of the grant award, which is approximately \$12,500. Selectman Powderly asked if there a reason not to put in the amount in the RFP. Mr. Simpson stated that he would like to put a parameter on it or a not to exceed

amount. Ms. Garbitt stated that the Town budgeted \$12,964. Selectman Powderly suggested to then put that figure in for a not to exceed. Ms. Garbitt asked to round it up to \$12,900. Mr. Simpson stated that the RFP should be issued immediately and have the quotes in by January 22nd. This can be on the Selectmen's Agenda for their January 28th Meeting, which then leaves eleven (11) months to execute the projects.

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

VOTED: To issue the RFP with a not to exceed amount of \$12,900 for the Green Community Grant Project Manager.
Unanimous in favor.

Vote to authorize Deficit Spending for Snow and Ice for FY13

Ms. Garbitt explained that this is the time of year that the Town starts reaching a deficit in the Snow and Ice Account. Currently there is \$28,000 available. The Town Accountant is concerned that they may reach a deficit before the next meeting of the Board, so she is asking for the Board to vote the need to deficit spend.

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

VOTED: To authorize deficit spending for Snow and Ice pursuant to Chapter 44, Section 31 for the Fiscal Year FY13.
Unanimous in favor.

Review and vote on Policy and Forms for Exit Interview

Chairman Maksy stated that he and the Town Administrator have discussed a policy for Exit Interviews. Ms. Garbitt stated that more and more communities are doing Exit Interviews.

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

VOTED: To accept the Exit Interview Policy and Forms.
Unanimous in favor.

Request for extension of Door to Door Sales Permit-Spectrum Communications to sell Comcast products

Selectman Powderly stated that Spectrum does perform a background check for their employees, and he would like it noted in the conditions of the permit that they perform a background check. Ms. Craig stated that it will be noted on the permit; however, the copies of the background checks will not be received for the Town to review.

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

VOTED: To approve the Door to Door Sales Permit for Spectrum Communications with the same hours as they have had previously, and to amend the permit noting that Spectrum must perform background checks.
Unanimous in favor.

Discuss request for New Balance Reach the Beach Relay Race to go through Lakeville May 18, 2013

Ms. Craig stated that the bike race is passing through the Town on their way to the Cape. Both the Police and Fire Chiefs have signed off on the Race Permit. This is an annual race, and the Town has not had any problems with them. Ms. Grubb asked if they have a route available, so that people can avoid those participating in the race if possible, or could it be published. Ms. Craig will put the route on the Town's website and name the roads that the cyclists will be utilizing.

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

VOTED: To approve the New Balance Reach the Beach Road Race going through Lakeville on Saturday, May 18, 2013.
Unanimous in favor.

Request for Reappointment as Constable-Kenneth Upham, Sr.

Chairman Maksy read the request from Kenneth Upham, Sr. for renewal of his Constable appointment.

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

VOTED: To reappoint Kenneth Upham, Sr. as a Constable, with a term to expire January 24, 2014.
Unanimous in favor.

Revisit vacancy on Old Colony Regional Vocational Technical High School Committee

Ms. Garbitt said that the vacancy on the Old Colony Regional Vocational Technical High School Committee was advertised, but no letters of interest were received. Sylvester Zienkiewicz stated that he used to be a shop teacher and would fill in as an interim. Ms. Garbitt said this would be a joint appointment with the Lakeville Regional School Committee Members and the Town Moderator. Chairman Maksy asked Mr. Zienkiewicz to submit a letter of interest, if he would like to be appointed to the vacancy.

Review and vote to approve Board of Selectmen Meeting Minutes of October 10, 2012 and December 11, 2012

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

VOTED: To approve the Board of Selectmen Meeting Minutes of October 10, 2012 as presented.
Unanimous in favor.

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

VOTED: To approve the Board of Selectmen Meeting Minutes of December 11, 2012.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of December 17, 2012

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of December 17, 2012 as presented.
Unanimous in favor.

New Business

Ms. Garbitt briefly updated the Board about the interviews for the Highway Department's Mechanic/Laborer position. Chairman Maksy expressed his concern with the hiring and interview process. Selectman Belliveau stated that the Board does need to go over the procedures for interviews. Chairman Maksy stated that the Board has to approve the hiring for this position since the Highway Department falls under the Selectmen. Ms. Garbitt stated that George Frates, III was deemed the best candidate for the position by the Interview Committee.

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

VOTED: To appoint George Frates, III as the Highway Department's Mechanic/Laborer.
Unanimous in favor.

Ms. Garbitt spoke about the interviews that took place for the Council on Aging Clerk. The letter from Vicki Souza, Council on Aging Director, was discussed.

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

VOTED: To hire Kelly Conway as Council on Aging Clerk.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt updated the Board regarding Standard and Poors and how they review the Town's debt. The money from the bond proceeds will go into an account to pay the issuance costs for Bond Counsel, Standard & Poors and Uni-Bank. After the refunding costs, the savings is over \$90,000. At this time, the Board needs to vote to deficit spend for the bond authorization, and then the funds will be transferred at the next Special Town Meeting.

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

VOTED: To deficit spend for the Bond Authorization.
Unanimous in favor.

Selectman Belliveau asked about the hiring practices of the Town. Does the Town offer positions to current employees first? Chairman Maksy stated that anytime there is a position available in Town, it should be posted internally and if qualified, then they should be hired. Ms. Garbitt mentioned that the Employee Handbook states to post the position internally for two (2) weeks and then advertise the posting. However, in some cases the Board does not want to lose two (2) weeks with the internal posting. This topic will be put on a February agenda for discussion by the Selectmen.

Other Items

1. Memo from Planning Board regarding Earth Removal By-law
Chairman Maksy read the memo into the record. Ms. Garbitt stated that the Board had asked the Planning Board and the Building Commissioner for input on the Earth Removal By-law. The Board had asked the Building Commissioner if he had any changes. Mr. Iafrate did have comments on the slopes.
2. Letter from Lakeville Police Officers Association
3. Copy of memo from Superintendent of Streets to Police Chief regarding On Call Procedures
4. Copy of letter of resignation from Pamela Rasa from the Wetlands Bylaw Subcommittee
Chairman Maksy said this was informational only as the Conservation Commission was the appointing authority.
5. Letter from Middleborough Gas and Electric regarding Replacement Tree-125 South Pickens Street
6. Copy of Request for Renewal-Twin Coach Estates License
7. Memo from the Region regarding Net School Spending
Ms. Garbitt stated that the School Superintendent had asked that the memo about Net School Spending (NSS) be reviewed by the Selectmen. This item is on the Regional School Committee's agenda for this Wednesday night. A second joint meeting has not yet been scheduled with the Freetown Board of Selectmen for February. Selectman Belliveau pointed out that since the Town is funding the schools so close to NSS, and since there had a break with heat last winter, the School Department did not spend all the money they were allotted, so they fell below the NSS. That is the danger of funding at

NSS. The State wants the Town to be aware of the fact that this happened. Discussion took place about the School District prepaying Special Education since they had a surplus in the spring, so the amount is over \$210,000. Selectman Powderly stated that they should only prepay something if they are going to get a discount. If not, the money should go into the Excess & Deficiency Account. He thought that the Schools have been under NSS, not just this year. It is only since they regionalized that they made their NSS school monies. He suggested a letter go to the State about this. John Olivieri, Regional School Committee Member, said he did not know the procedure, but he had a conversation with Michael Ward, Director of School Finances. They may have prepaid Special Education so that it could be counted toward NSS. Even though it is still going towards the following year, it would still be considered to education.

8. Letter from Department of Public Safety regarding Accessibility Complaint-LeBaron Hills Country Club
Selectman Powderly stated that there had been a complaint about the architectural handicap access from the ballroom to the open gazebo area. Robert Iafrate, Building Commissioner, and Frank Will met and came up with a solution that was supposed to be passed by the State. He thought this had been resolved.
9. Meeting Notice-Regional Economic Strategy Committee-January 8, 2013
10. Notice from MEMA regarding FEMA Hazard Mitigation Grant Program
11. MassWildlife Newsletter
12. Letter from Comcast regarding Price Adjustments
13. Letter from Verizon regarding Price Adjustment
14. Retired State, County and Municipal Employees Association of Massachusetts Newsletter
15. Letter from Lakeville Police Association regarding new affiliation with the New England Police Benevolent Associate, Inc.
16. Update from Kopelman and Paige regarding the Medical Marijuana Act
Ms. Garbitt stated that communities are changing their bylaws to enact zoning for where they want the Medical Marijuana facilities to go. The Town can do a temporary moratorium at this time, so that the Planning Board can look at having an appropriate site that this type of facility can go into. Chairman Maksy stated that the Town does not have a use for this, so it is not allowed. Selectman Belliveau stated that this is a Massachusetts General Law, and the Town cannot go against it. Mr. Zienkiewicz stated that they can appeal and if they win the appeal, they can go anywhere they want in the Town. If the Town votes to zone a specific site, then it can be regulated. Chairman Maksy asked to have this forwarded to the Planning Board to work on. Ms. Garbitt mentioned that many towns have gone to Town Meeting to put these facilities in the same zone as adult video stores.
17. Letter from MEMA regarding Applicant Briefings relative to the Major Disaster Declaration for Hurricane Sandy
18. Letter from Natural Heritage & Endangered Species Program (NHESP) regarding the Gateway Commons Project on Harding Street
19. Invitation from the Federal Reserve Bank to a Policy Forum on Regional Consolidation of Local Government Services in New England

At 8:19 PM, upon a motion made by Selectman Belliveau; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session pursuant to M.G.L. c.30A, §21(3) and not return to open session to discuss strategy in preparation for negotiations with the new unions because an open meeting may have a detrimental effect on the negotiating position of the Board and pursuant to M.G.L. c.30A, §21(6) to consider the purchase, exchange, lease or value of real estate because an open meeting may have a detrimental effect on the negotiating position of the Board.

Polled vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Maksy-Aye.