

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
October 21, 2013 - 7:00 PM

On October 21, 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 Belliveau at 7:01 PM. Selectmen present were: Selectman Belliveau, Selectman Burke and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow was recording the meeting for LakeCAM and Mathew Ferreira was recording for The Middleboro Gazette.

7:00 PM Meet with Paul Meleedy to discuss Logan Airport Noise Study

Paul Meleedy was present for the discussion. Mr. Meleedy said he was appointed to the Boston Logan Airport Noise Study (BLANS) by the Selectmen in 2011. He wanted to update the Board on the status of the study. Phase 2 of the BLANS has been completed, and Phase 3 began in August. Phase 3 will evaluate the potential to further reduce noise to communities surrounding Logan Airport by changes in runway use. The runway use noise analyses will reflect air traffic control measures already implemented as a result of previous phases of the BLANS. Phase 2 had included noise analysis of 12 potential noise abatement measures the Community Advisory Committee (CAC) considered recommending for implementation. Of the 12 measures evaluated, the Federal Aviation Administration (FAA) and Massport agreed to move forward with a preferred location for run-ways away from communities, and to seek approval and funding for a holding area for delayed departures at or near the midpoint of the airport. The FAA did not agree to implement the CAC recommended measures that did not reduce noise impacts to communities surrounding Logan Airport. Massport and the FAA agreed to the CAC's 6 supplemental programmatic measures that are scheduled to be implemented, or already have been implemented, and are ongoing. Massport is committed to establish an airport/community noise advisory group that will meet on a regular basis to continue dialogue regarding noise issues. Mr. Meleedy stated that the work of the committee is slow and sporadic, and feels that the impact on the Town is minimal. However, it is an important committee, and he would like to continue on the committee. Ms. Craig stated that there wasn't an expiration date when Mr. Meleedy was appointed. Mr. Meleedy will remain on the committee.

7:15 PM Meet with Library Trustees regarding Invitation to Recognition Luncheon and Request for Proclamation Friends of the Lakeville Library Week

Nancy LaFave and Ruth Gross were present for the discussion. Ms. Lafave stated that the date of the Recognition Luncheon for the Library Volunteers has been changed from November 2nd to November 9th. The Library Trustees were requesting that the Selectmen proclaim the week of November 2, 2013 through November 9, 2013 as Friends of the Lakeville Library Week for all their work they do for the Library.

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

VOTED: To proclaim the week of November 2, 2013 through November 9, 2013 as Friends of the Lakeville Library Week.
Unanimous in favor.

Ms. LaFave then provided a handout regarding the Veterans' Day Observance. The Veterans' Day Observance will take place on November 11, 2013 at 10:30 AM. The program will begin at the William Hitchcock Memorial at the Assawompset School Playground. The Selectmen will be present. Chairman Belliveau noted the upcoming Lakeville Historical Commission's 2013 Activities and Programs.

7:30 PM Meet with Animal Control Officer and Police Chief to discuss Loose Livestock Issues

David Frates, Animal Control Officer and Police Chief Frank Alvilhiera were present for the discussion. Mr. Frates stated that last week, he responded to the same property three (3) times in one day due to complaints of loose livestock. One resident recently put in a lawn on County Road. He was watering the grass, and loose cows ran right over it, tearing it up. One livestock owner on County Road uses a car battery for power for his electric fence. When the battery runs out of power, the cows get out. There are other areas where sheep and goats have been getting out. It is basically three (3) owners whose livestock are continually getting out. An Animal Control Officer (ACO) responds, usually with police assistance. Selectman Powderly stated that the animals should be put in a barn, or they would just get out again. Mr. Frates stated that only one (1) owner has a barn; the others have lean-tos for the animals. One (1) owner leases property in Town for the animals, but lives in New Bedford. Selectman Powderly stated that a letter needs to be written to all the owners to let them know that they are being negligent. This is not typical. This is a liability problem, and the owners of the animals should be responsible for their neighbor's repairs. The lean-tos can have doors added, and the fencing needs to be secure, since an animal can cause a car accident, or get hurt itself. The owners need to decide whether they should be keeping the animals, or if they should get rid of them. This is happening on a continuing basis and is much too frequent.

Mr. Frates stated that he has spent approximately \$5,000 in salary having another ACO respond to help him round up the animals. Chairman Belliveau commented that he did not care for Town resources being spent to round up the animals. Selectman Powderly stated that the Town needs to go on record about the animals getting loose. If the owners don't rectify the situation with their livestock, then the Animal Inspector needs to step in, since the animals are at risk by getting out and not having adequate shelter. Ms. Craig stated that the Town did send a letter in May and told the owner to address the problem. Mr. Frates stated that he has written reports each time, and turns copies of the reports into the Board of Health. Mr. Frates has also given the owners verbal warnings. The Town has Stable Permits for horses, but there isn't a law for cows or goats. Selectman Powderly stated that he thinks that there is a law that the owner has to have a secured building for the animals, so that they can go inside during inclement weather. They are endangering their animals. They need to be told that they are responsible for the liability and their neighbors' damages.

Chairman Belliveau stated that this is a civil matter and the owners and neighbors might have to deal with it themselves. There is also enough documentation to show that this has been an ongoing problem. Ms. Craig noted that there is an escalating fine system. The first offense there would be no fine, and then fees begin to be implemented. Selectman Burke asked if there was a bylaw, how Mr. Frates would implement it. Mr. Frates stated that he would have to secure the cow, and if there was a fine, he could fine the owner. However, the Town does not have the resources to capture an animal and transport it and care for it until the owner pays the fines. Mr. Frates said State law requires that a property owner post a sign, like no cows allowed on the property, and must send a copy to the livestock owner. Then we can change a fee of \$10 by State law. Chief Alvilhiera stated that that is the problem. Mr. Frates does not have a bylaw to enforce. Selectman Powderly stated that writing a bylaw does not solve the problem. There are plenty of enforceable things you can do in regards to liability.

Selectman Powderly stated that he would like to invite the owners of the livestock in question to meet with the Board of Selectmen. They are responsible for the safety of their animals. Chairman Belliveau said it should be determined if Jared Darling, Animal Inspector, can take the animals into custody, if the owner is going to continually let this take place. Selectman Powderly said that a letter should be written and sent by the Police Department. This is tying up Town resources that could be used for other purposes. Chief Alvilhiera will write a letter to the owners addressing the property damage, animal safety, liability issues, etc. Selectman Burke suggested contacting Town Counsel to see if there is something else the Board can do. There is a large amount of documentation already. Mr. Frates will contact Mr. Darling to determine what else he can do. Mr. Frates stated that there are angry residents, because they do not feel that the Town is doing anything. Chairman Belliveau stated that without a bylaw, the Town is not liable. Selectman Burke stated that in every case the Town has responded reasonably, and a bylaw might be a little heavy handed. Chairman Belliveau asked Ms. Garbitt to speak to Town Counsel on the matter, specifically asking if there is a statute that allows the Town to take the animals away.

Announce \$10,000 Grant Award to Lakeville Library from Massachusetts Board of Library Commissioners

Chairman Belliveau read the memo from the Library Director, Olivia Melo, regarding the grant award to the Lakeville Library. The Library was awarded a \$10,000 grant from the Massachusetts Board of Library Commissioners for their project “Customer Experience in a Digital Era”. The grant was made possible due to the Library meeting the State Aid requirements for FY14. The grant will provide staff with trainings for digital media, the purchase of e-content for the Library’s collection and mobile devices to offer workshops to the public at the library and at the COA.

Review and vote on Holidays for 2014

Minor discussion took place on the memo dated October 22, 2013 regarding Holidays for 2014.

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

VOTED: To accept the Holidays for 2014 as listed on the memo dated October 22, 2014.
Unanimous in favor.

Review bids and award contracts for Road Salt, Road Sand and Agricultural De-Icing Product

Chairman Belliveau reviewed the bids received for road salt, road sand, and agricultural de-icing product. Minor discussion took place on the bids.

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

VOTED: To award the Road Salt Bid to Eastern Minerals at a price of \$48.00 per ton and to award the second lowest bidder, International Salt at \$48.14 per ton, as a secondary source in case the Town is unable to obtain salt from the low bidder; to award the bid for Agricultural De-Icing Product to Safe Roads in the amount of \$1.30 per gallon, and the Road Sand bid to Cape Cod Aggregates at a cost of \$10.68 per ton.
Unanimous in favor.

Request from Board of Assessors to award Update Program Contract for FY15 to Vision Appraisal

Paul Meleedy was present for the discussion. Chairman Belliveau discussed the bid to update the software program to maintain equitable assessments for FY15. He noted that the Assessors are asking that the bid be awarded to Vision Government Solutions, which is not the lowest bidder. Mr. Meleedy explained that Vision Government Solutions has fully met the set of criteria. Ms. Garbitt stated that the other bidder did not submit financials and does not have a lot of Massachusetts experience.

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

VOTED: To award the Update Program Contract for FY15 to Vision Government Solutions in the amount of \$55,500.
Unanimous in favor.

Discuss Appointment of Nathan Darling as Building Commissioner/Zoning Enforcement Officer

Discussion occurred regarding the appointment of Nathan Darling as Building Commissioner.

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

VOTED: To appoint Nathan Darling as Building Commissioner/Zoning Enforcement Officer, effective October 21, 2013.
Unanimous in favor.

Discuss appointment of Jeremy Peck to Various Positions or Boards/Committees

Chairman Belliveau said that Jeremy Peck should be appointed to various positions that the prior Superintendent of Streets held. Ms. Garbitt noted that she presently held the position of Stormwater Management Coordinator. The previous Superintendent of Streets held that position. She asked if the Selectmen wanted her to continue as the Stormwater Management Coordinator.

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

VOTED: To rescind the appointment of Rita Garbitt as Stormwater Management Coordinator.
Unanimous in favor.

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

VOTED: To appoint Jeremy Peck as an Emergency Planning Committee Member with an expiration of July 31, 2014; to the Joint Transportation Planning Group with an expiration of May 31, 2014; as Stormwater Management Coordinator with an expiration of July 31, 2014; as a Technology Committee Member with an expiration of July 31, 2014; and as Tree Warden with an expiration date of July 31, 2014.
Unanimous in favor.

Accept Resignation of Pamela Rasa from Energy Advisory Committee

Chairman Belliveau read Ms. Rasa's resignation letter into the record. Ms. Garbitt explained that Ms. Rasa was originally the Conservation Commission's Representative, but remained on Energy Advisory as an at large member. It was decided to advertise the vacancy on the committee. Chairman Belliveau asked that the Conservation Commission be sent a letter requesting that they recommend someone to serve on the Committee.

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

VOTED: To accept the resignation of Pamela Rasa from the Energy Advisory Committee and to send her a letter of thanks for her time of service.
Unanimous in favor.

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

VOTED: To ask for letters of interest for an at-large member to serve on the Energy Advisory Committee, by November 15, 2013.
Unanimous in favor.

Request for Proclamation – United Nations Day – October 24, 2013

Chairman Belliveau read the request from the United Nations Day to proclaim October 24, 2013 as United Nations Day. He read the proclamation into the record.

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

VOTED: To proclaim October 24, 2013 as United Nations Day.
Unanimous in favor.

Request for Road Cut – Columbia Gas – 3 Anaconda Drive

Chairman Belliveau read the request from Columbia Gas for a Road Cut Permit to install natural gas service at 3 Anaconda Drive.

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

VOTED: To approve the Road Cut Permit for Columbia Gas to 3 Anaconda Drive, based on conditions outlined in the letter sent from the Superintendent of Streets dated October 18, 2013.
Unanimous in favor.

Request for Road Cut – Columbia Gas – 135 Rhode Island Road

Chairman Belliveau read the request from Columbia Gas for a Road Cut Permit to install natural gas service at 135 Rhode Island Road.

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

VOTED: To approve the Road Cut by Columbia Gas to 135 Rhode Island Road, based on the conditions outlined in the letter sent from the Superintendent of Streets dated October 18, 2013.
Unanimous in favor.

Discuss Request for Proposals for Howland Road Property

Chairman Belliveau stated that the Town put out a Request for Proposals regarding the sale of the Town owned 636 acres on Howland Road. The Town has been approached by the State from two (2) organizations that would like to purchase the property and keep it as Open Space. The Town had to go out to bid as its due diligence to make sure that it is receiving a fair bid for the

property. There will be a site visit on October 23, 2013. So far there have not been any requests for the bid documents.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of October 7, 2013 and October 16, 2013

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

VOTED: To approve the Executive Session Meeting Minutes of the Board of Selectmen dated October 7, 2013 as presented.
Unanimous in favor.

Upon a motion made by Selectman Powderly with Chairman Belliveau stepping down to second and stepping back up to vote it was:

VOTED: To approve the Executive Session Meeting Minutes of the Board of Selectmen dated October 16, 2013 as presented.
In favor 2, Abstain 1, Against 0, Absent 0.

Old Business

Ms. Garbitt stated that the Board had information regarding the casino park proposal to review.

New Business

Ms. Garbitt said the Board had received a request for an Outdoor Entertainment Permit. The Selectmen discussed a reasonable ending time for the permit. Ms. Craig said typically permits are issued until 10:00 PM for residential properties. However, the Town has allowed the Back Nine Club to have outdoor entertainment until 11:00 PM. Chairman Belliveau suggested that the applicant notify their neighbors about the event prior to it occurring.

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

VOTED: To approve the permit for Outdoor Entertainment at 19 Hitching Post Road on November 2, 2013 from 7:30 PM to 10:00 PM.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt stated that the bids for the Fire Station Garage Doors were opened on October 18, 2013. Only one (1) bid was received for the seven (7) doors. She said that originally it was not known if there would be enough money to pay for all the doors. However based on the bids received for previous projects under the grant, it appears that there are sufficient funds. The Fire Chief and the Building Commissioner are presently reviewing the bids. She asked if the Board

would consider awarding the bid, subject to the Fire Chief and the Building Commissioner review. They would like to begin the work before the next meeting of the Board.

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

VOTED: To award the bid as submitted for the Fire Station Doors, subject to the final review and approval by the Fire Chief and the Building Commissioner and James Porter, Project Manager and to authorize the Town Administrator to sign the contract.

Unanimous in favor.

Ms. Garbitt provided an update on the bids for the replacement of the windows on the original side of the Town Office Building. Four (4) bids were received with a range of prices. The Building Commissioner is presently reviewing the bids, but is not ready to ask for the Board to approve it.

Ms. Garbitt asked if the Board wants her to testify at the Gaming Commission hearing on Wednesday, October 22 at 4:00 PM. It is not known if there are going to be any impacts to Lakeville. The Town of Middleborough is concerned and their Town Manager, Charles Cristello, will be attending. This would allow the Town to go on record stating that it is a surrounding community.

Other Items

1. Letters from Lakeville Arts Council regarding the 2013 Arts and Music Festival
2. Thank you letter from Daughters of the American Revolution
3. MassDOT Bridge Inspection Report – Malbone Street/Cedar Swamp River
4. Invitation from Plymouth District Attorney regarding Overdoes Conference and Safe School Conference
5. Letter from Massachusetts Association of Vocational Administrators regarding Target Share-Chapter 70 formula – FY15
6. Notice from Verizon regarding channel changes
7. Retired State, County and Municipal Employees Association of Massachusetts Newsletter
8. Memo and Agenda from GATRA regarding Audit and Finance Committee Meeting scheduled for October 29, 2013
9. Memo and Agenda from GATRA regarding Advisory Board Meeting scheduled for October 29, 2013

At 8:35 PM, upon a motion made by Selectman Powderly; seconded by Selectman Burke it was:

VOTED: To enter Executive Session and not return to Open Session 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 and the Board so declares.

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