

**TOWN OF LAKEVILLE  
Selectmen's Meeting Minutes  
October 7, 2013 - 6:00 PM**

On October 7, 2013, the Board of Selectmen held a meeting at 6:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Belliveau at 6:02 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. Matthew Ferreira of the Middleboro Gazette was recording the meeting.

John Olivieri, William Garvey, and Sylvester Zienkiewicz, Members of the Building Commissioner Search Committee, were present for the meeting. Mr. Olivieri called the meeting to order at 6:02 PM. He asked for a motion to approve the Executive Session Minutes of September 25, 2013.

Upon a motion made by Mr. Garvey, seconded by Mr. Zienkiewicz, it was:

VOTED: To approve the Executive Session Minutes for the Building Commissioner Search Committee of September 25, 2013.  
Unanimous in favor.

**6:00 PM Interview Finalists for the Building Commissioner Position**

**6:00 PM – Nathan Darling**

Nathan Darling entered the meeting. Chairman Belliveau said as he was a member of the Building Commissioner Search Committee, he would refrain from asking questions of the candidates.

Selectman Powderly asked Mr. Darling what is the most important you can bring to table. Mr. Darling said he has a thorough knowledge of the building code, Lakeville Bylaws and State Codes. He said most zoning issues are extensions, alterations or repairs on existing non-conforming properties. He has lived in the Town his entire life, so he has a good knowledge of the Town's history. Selectman Burke asked what is your role of Building Commissioner interacting with residents. Mr. Darling said he would work with residents to understand the permit process, the inspection process, and walk homeowners thru the process, since they need more attention than a contractor. Selectman Burke said your Department provides an important service to the public. What specifically could you improve upon, if you were to get the job? Mr. Darling said the Department has implemented permit tracking, which helps to keep track of all inspections. Selectman Powderly asked if Mr. Darling understood the salary range of \$60-\$65,000 and the benefit package. Mr. Darling said he did. Selectman Powderly asked if the references have been checked. Chairman Belliveau said they had. Mr. Olivieri said they all came back positive. Mr. Darling said that he has enjoyed the past weeks filling in as the Interim Building Commissioner.

## **6:20 PM – Michael White**

Michael White entered the meeting. Selectman Powderly said, based on the information you provided, he felt Mr. White was qualified as far as skills. You previously worked with our former Building Commissioner, Robert Iafrate. Did you fill his last position in Bridgewater? Mr. White said that he did. He had a part time Assistant Local Inspector, Clerk and various Inspectors. Selectman Powderly asked what are a couple things that are most important for a Building Department. Mr. White said working with all Town Departments is very important. In Bridgewater, we made sure that all Departments communicated so that no one was blindsided. We would meet and review questions that came up. Bridgewater has the Stretch Energy Code, so we had to keep up with all the changes. Mr. White distributed a brochure that he developed which shows what people need to do for particular residential and commercial projects. Selectman Powderly asked what about reroofing a house and demolition; do other Town Departments have to sign off on those permits? Mr. White said he usually makes that judgment call. He has requested online permitting software that will let him identify what Department he would like to approve it before it is released. The system will not release the building permit until all are satisfied. Selectman Powderly said Lakeville typically issues approximately 500 building permits, of which about 25 are single family homes. How does that compare to Bridgewater? Mr. White said this year it finally picked up. There were approximately 50-60 new homes, since the economy picked up.

Selectman Burke asked about Mr. White's experience with zoning enforcement. Mr. White said Bridgewater's bylaws are scattered. He has been working on updating and organizing them. He is also working on putting together an actual violation program. That would be a tool to work amicably to resolve a zoning issue. Selectman Burke said that the materials Mr. White provided to the Board were helpful to get a feel of his approach. Mr. White said he has additional material for contractors. He will set up meetings with them to discuss the project to figure out the best options and to settle issues to help the Town get a project through. He said he tries to be very proactive, which eliminates headaches that could develop later on. Mr. White asked the Board if there were any issues in Lakeville that you would like to have a better handle on. Selectman Powderly said one of the most important is homes on the water with non-conforming lots. We would like to help them improve their properties. Mr. White thanked the Board for the opportunity.

Chairman Belliveau said that both candidates are very qualified. They both seem to be willing to work with other Town Departments and are proactive in problem solving. Selectman Powderly said that he thought that both candidates are qualified. He always liked the home team advantage. Mr. Darling has been doing a good job as the Assistant Building Commissioner and acting as the Interim Building Commissioner the past 14 weeks. Chairman Belliveau felt that Mr. Darling would stay longer than Mr. White. Selectman Powderly said that is hard to predict.

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

VOTED: To extend an offer to Nathan Darling and perform final salary and benefit negotiations.

Unanimous in favor.

The Building Commissioner Search Committee adjourned their meeting at 6:43 PM.

**7:00 PM Dog Hearing: Tim and Tara Wynn – 1 Wynn Way**

Ms. Garbitt updated the Board that David Frates, Animal Control Officer, has worked out a resolution between the parties.

**7:30 PM Meet with Linda Grubb to discuss update on South Coast Rail meeting and to discuss requesting an extension on the deadline for comments – Final Environmental Impact Statement/Report – South Coast Rail Project**

*Linda Grubb was present for the discussion.* Ms. Garbitt stated that she asked Ms. Grubb to update the Selectmen on the last South Coast Rail Meeting. Ms. Grubb said that that Lakeville has eight (8) sites that are designated Protected Priority Areas (PPA) in the Final Environmental Impact Statement/Report for the South Coast Rail Project. Five (5) of the sites were deemed Regionally Significant; the others were not. There are four (4) privately owned farms, including the Highland Road Farm. They have placed an Agricultural Protection Restriction (APR) on the property. If they pull out of the APR, the Town would have the right of first refusal to purchase the land. There were no indicators for historical or archeological sites. She then would give that some sort of weight. She will note that in the comments. They are due on the 10<sup>th</sup>. A discussion occurred regarding the Standish Farm on Bridge Street. Ms. Grubb said the rail is being expanded south to help improve the economic situation. The State is looking at what areas to protect and what areas are available to be developed. The Vaughn Street Farm is under 61A, but that is not permanent protection. Selectman Powderly asked what do we want anyone to do with it? Ms. Grubb said we want him to farm it as long as he is willing to farm it. If he wants to develop it, then we have the right of first refusal, and within 120 days we would have to come up with the money to preserve the property permanently. The owner could consider a Conservation Restriction, either donating the development rights or selling them.

Selectman Powderly asked if there is further work has to be done. Ms. Grubb said no. Chairman Belliveau said he didn't understand why South Coast Rail is involved. Ms. Garbitt said because of the Governor's Executive Order 525, SRPEDD put this together for the communities. Ms. Grubb said the State has funds that it invests into regions, and this is a way to try and direct these funds to something that has been identified as significant for the region. Ms. Grubb said there are people who feel the 1.8 billion investment will draw industry in Fall River and New Bedford so that people can live and work in their own community.

Ms. Grubb said that she was concerned with the scoring of the Lakeville Hospital on the Priority Development Area (PDA), marked in purple. It is not listed anywhere other than as a community PDA. However, that site would create jobs for more than one (1) community. She has asked to be sent the scores for the Hospital Property. She doesn't understand why the property was not at least given a pink designation. It was only given an eight (8) for travel choices, but it is a half mile from the train station and Route 495. These things are weighted for the type of development you can have. Her comments will reflect that. There is a score of 48, so it should be at least pink and be in the high profile. She believes there are serious flaws in the document, and we should spell them out. Selectman Burke agreed that the Hospital property should be addressed. He thanked Ms. Grubb for her efforts. He did not think the Town would come up with money to purchase 61A property for more open space, since we have Betty's Neck. If the State wants to come up with money, then more power to them. If it helps to bring in industry to the Hospital Property, then he is fine with that. Selectman Powderly said he wants

to focus on where we can bring in tax money. He did not want to make comments on anything that restricts business. It was agreed that Ms. Grubb would comment on the scoring of the Hospital Property and why it was not designated as pink, since other sites scored lower. It was also noted that the 30 day comment period is not long enough for other Commissions and Boards to review it and make comments.

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

VOTED: To send a formal letter requesting an extension on the submission dates for comments since 30 days is not enough time for a thorough review. The extension requested would be 90 days beyond the Oct 26, 2013 deadline.  
Unanimous in favor.

### **Schedule Board of Selectmen Meetings for November and December**

Chairman Belliveau reviewed the suggested Selectmen Meeting dates for November and December. They are November 4<sup>th</sup> and November 18<sup>th</sup>, December 2<sup>nd</sup> and 16<sup>th</sup>. Ms. Craig noted that due to the Thanksgiving Holiday, it would be difficult to put together an agenda on December 2<sup>nd</sup>. Holidays do not count for posting purposes, so the agenda would have to be posted on Wednesday.

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

VOTED: To schedule the Selectmen's Meetings for November 4, November 18, and December 16, 2013.  
Unanimous in favor.

### **Request from Town Clerk to move Polling Place back to Ted Williams Camp**

Chairman Belliveau read the memo from the Town Clerk, requesting that the Selectmen vote to move the polling place from the George R. Austin Intermediate School back to the Ted Williams Camp.

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

VOTED: To move the polling place from the George R. Austin Intermediate School back to the Ted Williams Camp.  
Unanimous in favor.

### **Revisit the Award of the Fuel Oil Bid and review Additional Fees for Propane Gas Bid**

Chairman Belliveau reviewed the fuel oil bid. Last year there were 18 heat service calls and 7 service calls for air conditioning. That would negate any savings we had on oil if we went with the low bidder, as their fees are significantly higher. Ms. Garbitt noted that the Board had requested information on the propane gas bid additional fee. The pipeline tariff is the additional fee.

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

VOTED: To award the fuel oil bid to Standish Oil of Middleborough at a rate of \$.174 per gallon. Annual heat cleaning and maintenance is \$75.00 per hour and air conditioning is \$80.00 per hour.  
Unanimous in favor.

**Review and vote to sign GATRA Contract**

Ms. Garbitt noted that the Town gets reimbursed 100% for the van; however, the funds come to the Town the following year.

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

VOTED: To authorize the Chairman to sign the GATRA contract.  
Unanimous in favor.

**Request for reappointment of Volunteer Observers and Wardens-Middleborough/Lakeville Herring Fishery Commission**

Chairman Belliveau said the Middleborough/Lakeville Herring Fishery Commission is requesting their annual appointments of Wardens and Volunteer Observers.

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

VOTED: To appoint the following as Wardens for terms to expire on September 30, 2016: Sargent Johnson and David Lemmo and the following as Volunteer Observers for terms to expire on September 30, 2014: Harold Atkins; Mike Bednarski; Allin Frawley; Cynthia Gendron; Joseph Urbanski; Sylvester Zienkiewicz and Teri Iwamoto.  
Unanimous in favor.

**Request from School Committee for a Selectman to serve on the Superintendent Search Committee**

Chairman Belliveau said he and Ms. Garbitt attended the last meeting of the Regional School Committee. They have decided to go forward with the Search Committee again for a new superintendent. There will be six (6) members: a School Committee Member, Dr. Nash, and a Selectman from each Town and an at large person from each Town. Dr. Nash said she wants to be appointed as an ex officio member, and not have a vote. Chairman Belliveau said he would not mind being the Board's representative again.

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

VOTED: To designate Chairman Belliveau as the Selectmen's Representative to the Superintendent Search Committee.  
Unanimous in favor.

**Review request from Economic Development Committee for SRPEDD Municipal Assistance hours**

Chairman Belliveau said the Board received a memo from the Economic Development Committee (EDC) requesting to use the Selectmen's 20 hours of assistance from SRPEDD. Selectman Burke said the EDC is finally getting a little traction with new motivated members. The SRPEDD hours would help the EDC get organized and educated. If we are serious about putting together a solid team to work on economic development, this would help. Ms. Garbitt noted that the Planning Board will be using their 20 hours this year.

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

VOTED: To allocate the Selectmen's 20 hours of Municipal Assistance from SRPEDD to the Economic Development Committee.  
Unanimous in favor.

**Request for One Day All Alcohol Liquor Licenses – October 12, 2013 and October 26, 2013 – Ted Williams Camp**

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

VOTED: To approve the All Alcohol Liquor License at the Ted Williams Camp on October 12, 2013 for a 60<sup>th</sup> birthday party.  
Unanimous in favor.

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

VOTED: To approve the All Alcohol Liquor License at the Ted Williams Camp on October 26, 2013 for a Halloween party.  
Unanimous in favor.

**Review Zoning Board of Appeals Petition-17 Twin Oaks Road and Appeal of Building Commissioner Decision-Morse Sand & Gravel**

Discussion occurred on the two (2) Zoning Board of Appeals (ZBA) petitions. The Board of Selectmen reviewed the petition for 17 Twin Oaks Road and had no comments.

Chairman Belliveau reviewed the petition appealing the Building Commissioner's decision on Morse Sand & Gravel. He said that the Board has discussed this issue several times. The appropriate action is for Mr. McGillis to go before the Zoning Board of Appeals. He does not want to spend any more money on this. Selectman Powderly said that he had driven out to the property with Ms. Garbitt and Mr. Darling and viewed five (5) pickup trucks parked on Frank Will's Property that is zoned Residential. We asked him to have the vehicles moved. There are also some small 200 gallon tanks, which needed to be moved. Mr. Will requested that Morse remove them, and within two (2) weeks it was done. Mr. Darling has re-inspected the property and found no violations. Selectman Powderly did not understand why Mr. McGillis would need to go to the ZBA, when the issue has been resolved. In order to view the pickup trucks, you would have to drive in 300' at least on private property. He agrees with Chairman Belliveau's

approach that we have no further dealings on this issue. It was agreed to notify the ZBA that there was an issue, but that the matter has been corrected.

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of September 23, 2013**

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

VOTED: To approve the Selectmen Executive Session Meeting Minutes of September 23, 2013 as presented.  
Unanimous in favor.

**Other Items**

1. Memo of commendation from Police Chief regarding Sergeant Michael Dwyer  
Chairman Belliveau read the letter into the record
2. Memo from Police Chief regarding MeDReturn Drug Collection Unit
3. Letter from Representative Orrall
4. Letter from Division of Fisheries & Wildlife regarding 16 Priscilla Drive
5. Letter from EBS Foran regarding Model Notice to Employees of Coverage Options
6. Advisory from State Ethics Commission regarding Advisory on Public Employees  
Making and Receiving Job Recommendations
7. SRPEDD Notice of Meeting on Sustainable Land Use – Tools for Communities
8. Notice of MMA 2014 Annual Meeting – January 24 and January 25, 2014
9. Mass Wildlife News Bulletin
10. Notice of Public Hearing – NSTAR Electric and Gas Company
11. Notice of Public Hearing – NSTAR Electric Petition

At 7:14 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session and return to Open Session pursuant to M.G.L. c. 30A, §21 (3) to discuss strategy with respect to collective bargaining, specifically the Police Union Contract, because an open meeting may have a detrimental effect on the negotiating position of the Board, and pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to pending litigation because an open meeting may have a detrimental effect on the negotiating position of the Board, and the Chair so declared. Polled vote: Selectman Belliveau-Aye, Selectman Burke-Aye, and Selectman Powderly-Aye.

At 7:27 PM, upon a motion made by Selectman Powderly; seconded by Selectman Burke it was:

VOTED: To come out of Executive Session and return to Open Session.  
Polled Vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Burke-Aye.

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

VOTED: To adjourn the Selectmen's Meeting at 8:05 PM.  
Unanimous in favor.