

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
November 18, 2013 - 7:00 PM

On November 18, 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 7:00 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. LakeCam was recording the meeting for local cable broadcast. Matthew Ferreira was recording the meeting for The Middleboro Gazette.

7:00 PM Meet with Board of Assessors to set Minimum Residential Factor

Janet Black, Paul Meleedy and Dana Lucas, Board of Assessors Members, and Molly Reed, Assessment Administrator, were present for the discussion. The Board of Assessors called their meeting back to order at 7:00 PM. Chairman Belliveau read the legal notice of the hearing into the record. Mr. Lucas explained the proposed property classification hearing and spoke on the open space discount, residential exemption and small commercial exemption. Mr. Lucas reviewed the property classifications and provided further explanation on the packet that had been distributed. Chairman Belliveau asked if there was any evidence that the Town was growing. Mr. Lucas stated that Residential Growth is slight, and there is modest growth in the Commercial area. Chairman Belliveau asked when the Town will hear about the Department of Revenue (DOR) approval. Mr. Lucas responded that they are in dialogue right now with the State. The Town Accountant is filling in the financial information. Ms. Reed has had discussions on the LA forms with the DOR, so it is anticipated that they will get back to her in a day or so. The tax rate will not vary very much, but it is better not to guess. Ms. Reed stated that since the Town does not have certification of the values, this hearing will have to be continued. Selectman Powderly asked if the Town is early or late in the filing compared to last year. Ms. Reed stated that the DOR guidelines state to begin the recap on the first of November, and the Assessors started putting in the values then. The LA3 and LA15 have been submitted, and both have been approved. However, the LA4 and LA14 have not been approved. It all depends on when other Towns submit their information, and where you are in line.

Selectman Powderly noted that on the percentage of class history, the valuation is now down to 1371. Is the hit in the Industrial sector or is it evenly split? Is the Commercial side getting a bigger reduction? Ms. Reed stated that there are no new Commercial or Industrial Buildings. Selectman Powderly mentioned that there are four (4) new buildings at Sterling Court. Ms. Reed explained that those are apartments. Selectman Powderly asked where the decline was. Ms. Reed responded that she will have to look that up.

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

VOTED: To continue the hearing until Wednesday, November 20th at 9:30 AM.
Unanimous in favor.

7:15 PM Review and discuss awarding bid for Town Office Window Replacement

Chairman Belliveau reviewed the bid that was received for the office window replacement project. The low bid was received by R. Mullen Associates. The project should be completed in January of 2014. Ms. Garbitt added that the glass is low insulated glass, and the grill pattern will match what is on the building now. Chairman Belliveau recommended awarding the bid to R. Mullen Associates, contingent on the final shop drawings being approved by the Building Commissioner and the Chairman.

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

VOTED: To award the bid to R. Mullen Associates with the main bid price of \$96,390 and the alternate bid price of \$2,900, contingent on the final shop drawings being approved by the Building Commissioner and Chairman Belliveau.
Unanimous in favor.

7:30 PM Meet with Attorney John Ryder to discuss Notice to Convert 61A Land – Highland Road – Map 32-Block 5-Lot 1

John Ryder, Esquire, was present for the discussion. Attorney Ryder provided a brief overview of the request to convert the 61A Land located on Highland Road. The parcel with 26 acres is on the southerly side of Robbins Lane and has the potential for nine (9) buildable residential lots with two (2) buildable residential lots on Highland Road. There are four (4) lots on the other side of the street which will never materialize since the road and project has never been completed. Those four (4) lots are part of the total package. There is an improvement plan that has been worked out with the Homeowners Association to improve the road. Instead of the Town holding the money for the road repair, which is approximately \$35,000, Attorney Ryder will be holding the money. He anticipates the road being improved in 2014 when the weather is better. It will be improved to the Homeowner's Association satisfaction. The road will remain a private road and ultimately be owned by the Association. The overdue taxes owed to the Town will be paid as part of this transaction.

Selectman Powderly asked Ms. Reed about the 61A valuation. It was approximately \$1,300 and increased to \$155,000. Ms. Reed responded that it was due to the classification change. They stopped using the property for agricultural use a year ago, so it changed to a 61B classification. That has a higher value than the farmland valuation percentages. Ms. Reed gave further explanation regarding how the assessment and taxes are calculated. Selectman Powderly asked that Ms. Reed review the information to make sure that it is correct.

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

VOTED: That the Town not exercise its right to purchase the property known as Map 32-Block 5-Lot 1 – Highland Road which is being withdrawn from Chapter 61A.
Unanimous in favor.

Update on Howland Road Request for Proposals

Chairman Belliveau provided a brief update on Request for Proposals regarding the Howland Road property. He stated that there were no requests for the information and no bids on the property.

Discuss and Vote on Nearby Community Agreement with Raynham Park LLC

Chairman Belliveau told the Board that he and Ms. Garbitt met with representatives from Raynham Park, SRPEDD and an attorney to discuss the Nearby Community Agreement with Raynham Park LLC. They do not think that the Town of Lakeville meets the criteria of a Surrounding Community; however, it seems to meet that of a Nearby Community. Lakeville's Town Counsel went to the meeting last Friday and met with Raynham Park's representatives and changed some of the language from Surrounding Community to Nearby Community. Raynham Park approved the language changes today. When they build the facility, they will do a study, and then determine whether it has had any impact on the Town of Lakeville.

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

VOTED: To sign the agreement as a Nearby Community with Raynham Park LLC.
Unanimous in favor.

Request from Town of Middleborough to board dogs at the Lakeville Animal Shelter

Chairman Belliveau stated that the Town of Middleborough is making renovations to their Animal Shelter. They are requesting to use the Lakeville Animal Shelter temporarily to house their stray dogs. Ms. Garbitt stated that Animal Control Officer Frates was agreeable to having Middleborough use the Lakeville shelter during this time.

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

VOTED: To approve the contract until December 31, 2013 to allow the Town of Middleborough to temporarily board dogs at the Lakeville Animal Shelter.
Unanimous in favor.

Discuss Extending Closing Times for Liquor Licenses-Christmas Eve and New Year's Eve

Ms. Craig stated that the Board of Selectmen has the authority to extend the closing times for establishments that have liquor licenses for Christmas Eve and New Year's Eve. The Board typically leaves the hours the same for the liquor stores, but extends those for the restaurants. Chairman Belliveau stated that he does not mind if the package stores are open until 11:30 PM. Selectman Burke stated that since no one has requested extended hours, he will not make a motion on the matter. Ms. Craig stated that traditionally the Board has extended the hours without requests from the licensees. They may not think that they have to ask. It was agreed to revisit this matter if requests were made for longer operating hours by licensees.

Discuss Designating Backup Principal Information Officer for Public Health Emergencies

Ms. Garbitt stated that the Board had received a request from the Board of Health for a Backup Principal Information Officer to be designated. She said the training can be done online for the Backup Principal Information Officer. Ms. Garbitt is currently the Principal Information Officer. Selectman Powderly volunteered to be the Backup Principal Information Officer.

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

VOTED: To designate Selectman Powderly as Backup Principal Information Officer for Public Health Emergencies.
Unanimous in favor.

Request for appointment of Call Firefighters

Chairman Belliveau read the request from the Fire Chief for the appointment of additional Call Firefighters.

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

VOTED: To appoint Ryan Barratt, Brandin McClay, Patrick Perkins Justin Wilbur and Dylan Wain as Call Firefighters and Samuel Finney as Junior Call Firefighter. All terms will expire July 31, 2014.
Unanimous in favor.

Request from Police Chief for Change of Appointment Status – Thomas Higginbotham and Appointment of Jill Oliveira as Matron

Chairman Belliveau read the request from the Police Chief to change the appointment of Thomas Higginbotham from Special Officer to Reserve Officer. Also he would like to appoint Jill Oliviera as Matron.

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

VOTED: To change the appointment of Thomas Higginbotham from Special Officer to Reserve Officer and to appoint Jill Oliviera as Matron. Both appointments will expire July 31, 2014.
Unanimous in favor.

Request for Renewal of Storage Trailer Permit-19 Stetson Street-Philip Sherman

Chairman Belliveau stated that Philip Sherman has applied for renewal of his Storage Trailer Permit for 19 Stetson Street. Selectman Powderly asked if when a portable storage unit comes to Town, does the company know that a permit is required. Ms. Garbitt responded that the resident must apply for the permit. She noted that an attempt was made to amend this bylaw, but the Planning Board did not vote in favor of amending it.

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

VOTED: To renew Phillip Sherman's Storage Trailer Permit for the property located at 19 Stetson Street with an expiration of December 3, 2014.
Unanimous in favor.

Review Zoning Board of Appeals Petition for 11 Pine Bluff-Leo & Michelle Bisio

Chairman Belliveau stated that he does not feel the Board of Selectmen needs to review the Zoning Board of Appeals petitions. The Selectmen have faith in the Zoning Board of Appeals discretion. The Board typically has no comments. Ms. Garbitt explained that the Zoning Board of Appeals is basically trying to keep other Boards informed on what matters they have before them. Chairman Belliveau asked that a letter be sent to the Zoning Board of Appeals Chairman letting them know that while the Board appreciates being included, it is not felt that the Selectmen need to be a part of the process. If they feel they want to discuss this matter further, a meeting can be scheduled to discuss it.

Review and vote to approve Board of Selectmen Meeting Minutes of October 2, 2013

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

VOTED: To approve the Selectmen Meeting Minutes of October 2, 2013 as presented.
Unanimous in favor.

New Business

Ms. Garbitt noted that the Lakeville Arts Festival sent in their request for placing signs advertising the Made in Lakeville Event on December 14, 2013. They would like to put their A frame signs at the intersection of Pickens and Precinct Street and on Sedell's lawn.

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

VOTED: To approve the request of the Lakeville Arts Festival to place signs at the intersection of Pickens and Precinct Street and on Sedell's lawn for the Made in Lakeville Event.
Unanimous in favor.

Ms. Garbitt mentioned that Rockland Trust would like to donate some watercolor paintings that were in the former Mayflower Bank branch in Lakeville. She picked the paintings up and will type a letter of thanks for the Selectmen to sign thanking them for their generous donation. These will be hung in the lobby in the Town Office Building.

Ms. Garbitt stated that members of the Lakeville Lions worked on the islands at Route 18/105 for two (2) full days. She will be sending them a thank you letter for their time and efforts.

Ms. Garbitt stated that this afternoon she had received a call from Andrew Danforth of Twin Coach Estates. Since the residents of Twin Coach are looking to purchase the Lakeville part of the park, they would like the Rent Control Board to change some of the rules and regulations. Ms. Garbitt said that Town Counsel assistance will be needed by the Rent Control Board. Selectman Powderly suggested that the Board put a cap on the amount that is used for Town Counsel. Ms. Garbitt said that Patricia Cantor from Kopelman and Paige had helped the Town with the original rules and regulations. Chairman Belliveau asked why the residents of Twin Coach would not be responsible for paying Town Counsel. If they are going to be a private business, then they should be paying the legal fees. Ms. Garbitt stated that she will call Town Counsel to get an estimate of the fee from Town Counsel. This is to protect the rights for the residents of Twin Coach Estates. Ms. Garbitt will place this item on the December 16th agenda for the Board to further discuss. Selectman Burke stated that though the Town may want to have Town Counsel involved, they are doing something that falls outside of the health welfare and safety of the community. It should be incumbent on them to cover the costs. The Board should at least find out how much this will cost.

Ms. Garbitt stated that Senator Rodrigues Office called and asked if the Town wanted anything included in the upcoming Transportation Budget. Ms. Garbitt asked for design funds for Route 79. The cost of the design is approximately \$400,000. Senator Rodrigues had indicated that any funds received would be approximately 10% of the cost.

Ms. Garbitt updated the Board regarding the Community Innovation Challenge Grant. If the Town receives this grant, it would be the 6th community. This money is purposed for Municipal Records Retention. The Selectmen need to vote to support the grant in order to be included in the application, which is due this Thursday, November 21, 2013.

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

VOTED: To support the grant and to authorize Chairman Belliveau to sign the grant application.
Unanimous in favor.

Old Business

Ms. Garbitt stated that when County Commissioner Daniel Pallotta attended the November 4, 2013 Selectmen's Meeting, he had stated that he was going to forward the House Bill regarding the Registry of Deeds to the Town for the Selectmen's support. We received it this afternoon.

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

VOTED: To support the House Bill regarding the Registry of Deeds.
In favor 2, Abstain 1 (Chairman Belliveau)

Other Items

1. Comments submitted by Linda Grubb on the South Coast Rail FEIS/R – South Coast Rail Project
2. Bi-Monthly Sanitary Landfill & Transfer Station Inspection Report
3. Letter from Legislators regarding Withholding of \$100 Million of Chapter 90- Funding
4. Letter from SRPEDD regarding Community Priority Areas of Regional Significant and Lakeville's October 10th Comment Letter
5. Letter from Comcast regarding Municipal Emergency Reporting Procedure
6. Letter from Comcast regarding Channel Changes
7. Mass Wildlife Newsletter
8. Mass Wildlife Advisory
9. Notice from Verizon of upcoming FIOS TV Channel and Programming Changes
10. Notice from South Coast Rail regarding issuance of Final Environmental Impact Statement (FEIS)
11. Notice from South Coast Rail regarding Track Work and Smart Growth Conference
12. Notice from Verizon 3rd Quarter 2013 PEG Grant Report

At 8:11 PM upon a motion by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session and not return to Open Session, pursuant to M.G.L. Chapter 30A, Section (6) to consider the purchase, exchange, lease or value of real estate because an open meeting will have a detrimental effect on the negotiating position of the Board and the Chair so declared, and pursuant M.G.L. c.30A, §21(3) to discuss strategy with respect to collective bargaining with the Police, Fire, and Town Unions because an open meeting will have a detrimental effect on the bargaining position of the Board and the Chair so declared.
Polled vote: Selectman Belliveau-Aye, Selectman Burke-Aye, and Selectman Powderly-Aye.