

**TOWN OF LAKEVILLE  
Selectmen's Meeting Minutes  
December 4, 2014 – 2:15 PM**

On December 4, 2014, the Board of Selectmen held a meeting at 2:15 PM at the Lakeville Police Station. The meeting was called to order by Chairman Powderly at 2:18 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant. LakeCAM was taping for local community broadcast.

**Review and vote to renew Annual Liquor Licenses**

Selectman Burke read the list of Liquor License renewals into the record.

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

VOTED: To approve the Annual Liquor Licenses, to expire December 31, 2015, for the following: Paul F. Grasso, d/b/a/ Tutto Italiano; Gulf Resources, Inc.; Savas Liquors, Inc.; BBP, Inc., d/b/a/Muckey's; Tamarack Wine & Spirits, Inc.; Joseph R. Starr, d/b/a Starr's Country Market; Hawaii Corporation, d/b/a Orchid of Hawaii; Poquoy Investment Group, Ltd; Lakeville Golf Club, Inc.; LeBaron Operating Company, LLC, d/b/a LeBaron Hills Country Club; The Back Nine Club, Inc.; Lakeville Aerie No. 3994, dba Fraternal Order of Eagles, Inc.; and Lakeville Virtual Entertainment Group, Inc.

**Discuss Extending Closing Times for Package Store Liquor Licensees-Christmas Eve and New Year's Eve**

Chairman Powderly noted that the ABCC allows the extension of Christmas Eve and New Year's Eve package store closing hours until 11:30 PM. Selectman Burke asked if any of the licensees had requested the extension. Ms Craig replied no.

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

VOTED: To have the current 11:00 PM closing times remain for Package Stores on Christmas Eve and New Year's Eve.  
Unanimous in favor.

**Discuss Extending Closing Times for Restaurants with Liquor Licenses on New Year's Eve**

Chairman Powderly noted that the Local Licensing Board has the ability to extend the closing times for restaurants with liquor licenses on New Year's Eve. He noted that in the past, the Board has allowed the extension of hours for last call at 1:30 AM with patrons out of the buildings by 2:00 AM.

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

VOTED: To extend the restaurant liquor licenses on New Year's Eve until last call at 1:30 AM with all patrons out of the building by 2:00 AM.  
Unanimous in favor.

**Review Leave of Absence Request –Jennifer Jewell – Part Time Conservation Commission Clerk**

*Robert Bouchard and Joseph Chamberlain, Members of the Conservation Commission, and Nancy Yeatts, Conservation Agent, were present for the discussion.* Chairman Powderly read Ms. Jewell's request for a leave of absence into the record. Chairman Powderly noted that the Board had received a memo from the Conservation Commission in support of Ms. Jewell's leave of absence. The memo requested that a posting be made for a Temporary Part Time Conservation Commission Clerk as soon as possible. Chairman Powderly said that the Board had previously discussed this matter. He did not have an issue with Ms. Jewell leaving to take the Temporary Assistant Town Clerk position. What he did have a problem with was keeping the job open for a minimum of five (5) months. In most sectors, you do not promise to hold a job open for five (5) months. You might find someone in the temporary position that you like better. Selectman Hollenbeck said that she had similar concerns with hiring someone for five (5) months and then letting them go. Certainly there is an opening that needs to be filled; she has no concerns over that. She does have concerns about holding the position open for that length of time. Selectman Burke said he thought that there are multiple issues, the first being Ms. Jewell asking for her job to be preserved and then the nature of the position moving forward is another issue. He didn't necessarily think that this is a good policy. This throws into question the person that would be taking on the position.

Nancy Yeatts said that Ms. Jewell was asking for her job to be held, since the current Assistant Town Clerk's job was being held for her, in case she is not elected as Town Clerk. If Ms. Drane is not elected as Town Clerk, her job will be available for her to go back to. Ms. Yeatts said that she knows one (1) candidate that would apply for the Temporary Conservation Commission Clerk job. She was working for the Taunton River Association, but her grant ran out. When that happens, they lose their position. This person is just looking for a temporary job. This person could almost step in to fill this job. Ms. Yeatts said the Conservation Commission's agenda deadline is December 18<sup>th</sup> for the January meeting, so we need to get someone on board. What the Clerk does is totally different than what she does. It would be great to have someone step in that knows what to do and understands that it is temporary, but could be permanent. Chairman Powderly said the issue is the temporary part. What if you really like the temporary person that is hired? People don't usually hold jobs. Mr. Chamberlain said that he didn't see the situation as being that unusual. You can look at private and public sector jobs for temporary part time opportunities. Chairman Powderly said if the Conservation Commission is looking for his approval to hold the job open, he says no. It's the Conservation Commission's prerogative whether to take Ms. Jewell back at the end of the temporary period. Selectman Hollenbeck asked how many hours does the Conservation Commission really need the clerk; perhaps this could be evaluated during the temporary period. If the position ends at June 30<sup>th</sup>, it would line up with the budget process. She noted that the Assistant Town Clerk's position is a bit different because she

is running for an elected position. Selectman Burke said this is an opportunity for the Conservation Commission to review its needs. There is a benefit to leave it temporary, so it can be tweaked to the benefits of the Conservation Commission. Whether we hold it for Ms. Jewell is a different issue. Discussion occurred regarding some of the duties of the clerk.

Selectman Burke said the second issue would Ms. Jewell's request for a leave of absence. His issue is her request to come back to the job. Selectman Hollenbeck said she would post a temporary position through June 30<sup>th</sup>. Selectman Hollenbeck said during that time, we can really evaluate what the actual duties of the clerk are and the hours required. Selectman Burke wanted to make sure than anyone applying for the position was aware that this position has an end date. Mr. Chamberlain said he got the feeling that we are over complicating the situation. There are people everywhere that request leaves of absence with the understanding that they will be back. Selectman Burke said it is usually a leave of absence that is granted by right. This situation is that the employee has an opportunity to try a new job and through political reasons, it may not pan out. They are asking to retain this position in case the new job doesn't work out. She has no right under law for us to hold her job. Chairman Powderly said he would not grant the leave of absence and hold the job. She may very well come back to the position on April 27<sup>th</sup>. He is just not guaranteeing it. Ms. Yeatts said her main point is that she needs someone familiar with conservation quickly. Selectman Hollenbeck said that you may be able to decrease or increase the hours in the position, depending on who is in the position, which would be built into your budget.

Mr. Chamberlain said that for 20 years, he was doing a lot of the administrative work. We have a very short time period to process applications, hold hearings and write permits. We need someone that is knowledgeable on DEP systems. If the new person doesn't work out, we have an issue. Selectman Hollenbeck said you may find that out anyway, whether you hold the position until April 27<sup>th</sup> or June 30<sup>th</sup>. She noted that Ms. Jewell also works for the Fire Department for eight (8) hours. Selectman Burke said we need to look at the administrative needs of the Town Hall and create a position that fills a lot of roles. The Selectmen just lost our part time clerk to the Senior Center. Selectman Hollenbeck said we have several positions with eight (8) hours here, 16 hours here. We need to step back and see what we need. Perhaps we need a part time Clerk for two (2) departments and have the same items in the job description. Chairman Powderly asked if anyone disagreed with the proposed Job Description. Ms. Garbitt said the posting notes that this is temporary. This is a non-union position so it can be revised anytime. Mr. Chamberlain asked what the mechanism would be to have Ms. Jewell go back to the position. Chairman Powderly said that the Conservation Commission would decide she is a better employee than your temporary employee. We just are not guaranteeing that the job will be hers. Chairman Burke suggested tabling the leave of absence request.

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

VOTED: To table Jennifer Jewell's Leave of Absence Request indefinitely.  
Unanimous in favor.

### **Discuss Job Description and Posting of Part Time Conservation Commission Clerk**

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

VOTED: To approve the posting of the Temporary Part Time Conservation Commission Clerk with the end date of June 30, 2015 being in the posting.  
Unanimous in favor.

Ms. Garbitt said that the position will be posted in-house for one (1) week. If no one applies, then we post outside.

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

VOTED: To approve the Job Description for the Part Time Conservation Commission Clerk.  
Unanimous in favor.

### **Meet with Police Chief to discuss maintenance and repair and Capital Projects at the Police Station**

*Frank Alvilhiera, Police Chief, Nathan Darling, Building Commissioner and Robert Desrosiers, Structural Engineer, were present for the discussion.* The Board of Selectmen took a recess to tour the Police Station. They returned back to session at 3:30 PM. Chairman Powderly said we have a building that the roof is basically compromised. We need to raise the roof and run new carrying beams. That leads to the questions if we do that, is this the time to improve the rest of the Police Station and bring it up to proper codes. We are talking six (6) million for a new Police Station, so how much money should we spend on this building. Mr. Desrosiers said that adding a second floor would be a lot different than repairing the roof. If you just improve the roof, you would stay with the existing bearing wall. You will have to upgrade the foundation and rebuild bearing walls for a second floor. Selectman Hollenbeck said there are space issues and design and structure issues. Which ones are our priorities? Mr. Darling said he felt it would be primarily the roof. Selectman Burke said there are several options. #1 is fix the roof, which would require minimal work to keep the roof from collapsing. #2 is consider space needs for the Department. Does it make sense to add another floor and more space for the sake of meeting the needs of the Department, and what would that entail? #3 is do we want to have the conversation on how much do you invest in this structure versus a new station at another location? This is the time to have that conversation. The answer may be just fix the roof. Chairman Powderly said there is a cost to fix the roof appropriately. We may not be able to add a second floor, but could perhaps add to the rear. We have 17 or 18 people in this building for a community of 11,000. Lakeville's population projections are an increase of 17% over the next 20 years. Chief Alvilhiera said all the plans will tell you to project 25-30 years out for your manpower. Selectman Hollenbeck said the Master Plan estimates 11-13,000. Chairman Powderly asked the Chief if the population went up by 3,000 people, how many officers would be needed. Chief Alvilhiera said we have less officers now than in 1988. We should be running 3 officers per shift 24/7.

Selectman Hollenbeck said we need to discuss the problems here. We have structural, space and logistical problems and Department needs that are being worked around. We need to get this information out there. Is it the best option to fix this building? Some of these repairs need to be done soon. Is this a 10 year fix that we are paying 1.5 million? Then in 10 years, it's not enough. Chairman Powderly said that he doesn't want to see a building committee spend \$500,000 on a study and never do anything. We could spend that money putting an addition on. Selectman Hollenbeck said there is a feasibility study from 2007/8 that speaks about the needs at that time. Have some of these issues been remedied. Chief Alvilhiera stated that we have done some renovations, since that study came out. Chairman Powderly asked if we should reinstate a study committee? Chief Alvilhiera said that Dighton is building a new station, and the cost has gone up \$700,000 in 6-7 months. Ms. Garbitt said after the study was released, we went to Town Meeting and appropriated \$150,000 for a design when the Police Station was moving next to the Senior Center. We can no longer put any additional buildings on the Ted Williams Camp. We kept reappointing the Police Station Building Committee, but they never met. The Committee was going to hire an architect and spend \$150,000 for the design. The Feasibility Committee hired Kaestle Boos to look at all the Town buildings. Chairman Powderly noted the Study Committee should look at all options. Selectman Hollenbeck said she is concerned about getting bogged down. She needs to know what we need to do, and how much it will cost us to make sure the building is not going to collapse tomorrow.

Mr. Desrosiers said his suggestion is that we stopped short of preparing a plan of repair. His original budget included that, but it is not done yet. As part of that work, you need to look at reallocating some space in here and moving some walls once the roof is off. You could gain some usable space to reorganize. It might satisfy your needs for a while and at least you have protected the building. Selectman Burke noted that the building is poorly laid out. This is an opportunity to use the space better. He would recommend moving forward with that independent of looking at other options. Mr. Desrosiers said the biggest drawback of a second floor is handicapped accessibility; you will need an elevator. You will need 300 square feet of elevator space per floor. Selectman Hollenbeck asked if Mr. Desrosiers had spoken with the Police Chief regarding a plan to retrofit the building and fix the roof. Chief Alvilhiera said at that point, you would need an architect that actually deals with Police Stations and conform with State standards. That would include new cells doors that slide. If you do a major renovation, would that affect the jail cells. Mr. Darling said minor modifications could be made contained in the area in question (roof area). Chief Alvilhiera said if you open a wall up, now you have problems. Mr. Desrosiers said in the design phase, you would need walls cut into. Mr. Darling said a roof evaluation needs to be done. He will meet with Chief Alvilhiera to see what we may need to satisfy his needs for now. From that, you may want to put together a study committee to evaluate future needs. Mr. Desrosiers will be getting the roof structure numbers together. Chairman Powderly asked if we have enough money to do the roofing evaluations. Mr. Desrosiers said yes. Mr. Darling said we may need to put some of that \$20,000 to have Mr. Desrosiers do some additional plans. Chief Alvilhiera noted that the roof is leaking right now. For the winter, is there a short fix? Mr. Darling said a repetitive patching scenario. He noted that we almost put a new roof on. Mr. Desrosiers has saved us from putting a new roof over the bad roof. Mr. Darling said we don't have time to go through the process right now with the weather. Selectman Hollenbeck said so we will patch the roof; then fix the roof structure, and then evaluate the options for design changes in the building, if it can be done and the cost. We

should also be looking at the cost of a new station, whether it's a regional or stand alone station. Selectman Burke said anytime there is a change, there is an opportunity to examine it and see what makes sense.

Selectman Hollenbeck said we are going to be starting capital expenditure talks. It might make sense to appoint a building committee so we have people in place to look at options. Chairman Powderly asked what the time frame for numbers was. Mr. Desrosiers said he should have plans by Christmas. Mr. Darling said we will know what is viable before Capital Expenditure starts meeting. Chief Alvilhiera said there is a space issue, and it is not safe. The sally port is suffering. We have had this need from the 80's. Each Board has their own ideas about the Police Station. Selectman Hollenbeck said this may be the reason why we need a building committee. Chairman Powderly said hopefully we will have the roof numbers for the first meeting in January and Mr. Darling can give us some more thoughts on what needs to be done. Chairman Powderly said that he agrees that we may need a committee, but he sees these other Towns forming committees and spending all this money and nothing happens. Selectman Burke said that this would be a Town Meeting decision. Our job is to do the due diligence and find the pros and cons for the townspeople. Chairman Powderly said as soon as we build a new Police Station, we will be looking at other buildings. Selectman Hollenbeck said the longer you keep pushing building projects out, then they all come at once. A building can last as long as you maintain it. But if the buildings are not on a maintenance plan, we are going to have a failure in the buildings all at the same time. Selectman Burke said because of budgetary constraints, all of this routine maintenance of Town buildings has been deferred. We have to make an effort to put funds in the budget for this. Chairman Powderly said the Town lets buildings become a catastrophe, and it is easier to build a new building. We need a maintenance system in place. Chief Alvilhiera said we are having an employee retention problem. We are not going to retain officers in this facility. They leave for a better working environment.

Selectman Hollenbeck asked if it was worth talking to some other Towns for price quotes of their stations. Selectman Burke said we do have a good understanding of the costs. Chairman Powderly said we don't want to modify a building at the same cost to build a new one. Discussion occurred regarding modifying an existing building. Chief Alvilhiera said the cost was a surprise. Chairman Powderly said even with the modification, it didn't give us the building we wanted. Selectman Burke asked if we are committed to making this building functioning as much as possible. Selectman Hollenbeck said long term is not in this building. Chief Alvilhiera said when we did the renovations, we knew we were a few years away from going anywhere. Ms. Garbitt noted that the land across the street cannot be built on due to Natural Heritage. We were going to use the land originally for an Elementary School, Town Hall or Police Station. The Park Commission always had the Senior Center and Library in their plan. The committee at the time looked at a site for the Police Station, and the location was approved. As a condition of the Earth Removal Permit, we were told by Natural Heritage that we could not build any more buildings on the Camp property, since it falls under Article 97 land. Selectman Burke said perhaps we can designate another part of the Camp. Just because the answer is no today, we can ask the question again. Ms. Garbitt said when the cell tower was placed on the donated land, even though it was a gift to the Town, we needed special legislation, because it was determined to be park land. Chairman Powderly said we probably could get the special legislation; we should look at this. Ms. Garbitt said one of the areas that was looked at

was between the Tennis Club and the entrance to the Camp for a public safety building. Chief Sorel felt that the location would work. However, the Fire Chief thought that anything past the 105/18 traffic light would put too much time on his response to other areas of Town.

**Review and vote to approve Selectmen's Meeting Minutes for August 27, 2014; September 22, 2014; October 1, 2014 (2 sets); October 22, 2014; November 12, 2014; November 17, 2014 (2 sets)**

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

VOTED: To approve the Selectmen's Meeting Minutes for August 27, 2014; September 22, 2014; October 1, 2014 (2 sets); October 22, 2014; November 12, 2014 and November 17, 2014 (2 sets).  
Unanimous in favor, with Selectman Burke abstaining from the November 17<sup>th</sup> 6:00 PM minutes.

**Review and vote to approve Selectmen's Executive Session Meeting Minutes September 22, 2014; October 1, 2014; October 6, 2014; October 20, 2014; November 3, 2014 and November 12, 2014**

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of September 22, 2014; October 1, 2014; October 6, 2014; October 20, 2014; November 3, 2014 and November 12, 2014.  
Unanimous in favor.

**Adjournment**

At 4:24 PM, upon a motion made by Selectman Hollenbeck; 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(3) to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the Board, and the Chair so declared, and pursuant to M.G.L. c.30A, §21 (3) to discuss strategy with respect to collective bargaining, specifically the Police Union, if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares.  
Polled vote: Selectman Hollenbeck-Aye, Selectman Burke-Aye, and Selectman Powderly -Aye.