

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
April 23, 2013 - 7:00 PM

On April 23, 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. Cindy Dow of The Middleboro Gazette was recording the meeting along with LakeCAM for local cable broadcast.

Chairman Belliveau asked for a moment of silence due to the recent Boston Marathon tragedy and all who lost their lives or were seriously injured.

David Goodfellow, Carolyn Gomes, David Davenport and Bret Kulakovich were present from the Regional District School Committee, along with the Town Moderator, Norman Orrall. The Regional District School Committee called their meeting to order at 7:00 PM.

7:00 PM Meet with Regional School District Committee (Lakeville Members) & Town Moderator to reappoint Sylvester Zienkiewicz to the Old Colony Regional Vocational Technical School Committee

Mr. Orrall convened the meeting and stated that Sylvester Zienkiewicz was requesting to be reappointed to the Old Colony Regional Vocational Technical School Committee.

Upon a motion made by Mr. Goodfellow; seconded by Ms. Gomes it was:

VOTED: To reappoint Sylvester Zienkiewicz to the Old Colony Regional Vocational Technical School Committee with a term to expire May 1, 2016.
Unanimous in favor.

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

VOTED: To reappoint Sylvester Zienkiewicz to the Old Colony Regional Vocational Technical School Committee with a term to expire May 1, 2016.
Unanimous in favor.

7:15 PM Special Permit Revision Hearing for Tattoo Parlor – Pietro Panettieri – 54 Main Street

Pietro Panettieri, property owner, was present for the hearing.

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

VOTED: To open the Special Permit Revision Hearing for the Tattoo/Body Piercing Shop located at Unit 21, Building 2, 54 Main Street.
Unanimous in favor.

Chairman Belliveau read the notice into the record. The legal notice was published in the Middleboro Gazette on March 28, 2013. Ms. Craig has been provided the certified abutters list and certified mail cards. Mr. Panettieri stated that the Tattoo/Body Piercing Shop is moving from Building Number 1 to Building Number 2 across the way in the same plaza. The new facility has a front and back door and a handicap accessible restroom. He was told that he needed to have a new public hearing because the business is moving to a building that previously did not exist in the plaza when the original Special Permit was issued. Mr. Panettieri said the tattoo shop is a clean operation, and he has not had any complaints.

Deborah Fiddler of Lori Lane stated that she was in favor of the business moving to the new location. The present location has been disruptive to her house with noise from people there all hours of the night. She is happy that they are moving further away. Last week there was someone there until 1:30 AM, and children could be heard out there late at night. Lori Kazlauski of 7 Lori Lane said that she is a little further down the lane. However she has also heard children crying from that location. It is not all the time, but it does take place. Ms. Kazlauski stated that she is in favor of the business relocating to the other building. She is not opposed to the business; just to the location where they are right now.

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

VOTED: To close the hearing.
Unanimous in favor.

Selectman Powderly stated that he usually asks the Police Chief if there have been any complaints on any business no matter what it is. The hours of operation are 10:00 AM to 10:00 PM. He understood that the Tattoo Artist may be in the premises doing sketches during off hours. The Police Chief did concur that he was there at 3:00 AM. He would not prevent an owner doing accounting or sketching or something like that at their business location after hours. Mr. Panettieri stated that the man that runs the business has been doing some work on the new building. Rather than taking time from his normal business hours, he has been doing the work at night. That is not going to be happening all the time. Selectman Powderly asked about the children and other people being around. Mr. Panettieri stated that the owner has a son. Mr. Panettieri stated that he will speak to him about children being there after hours. Chairman Belliveau stated that there should not be a bunch of people there at night, when the shop is supposed to be closed. Mr. Panettieri stated that he will tell the shop owner to eliminate that problem. He added that it may be the shop owner's wife coming to pick him up and the kids are with her. Ms. Garbitt asked if the permits for the relocation have been approved by the Board of Health. Mr. Panettieri responded that they have all the permits. Ms. Garbitt asked if the Building Commissioner has issued an occupancy permit. If not, then the Board may want to make that one of the conditions, along with it being subject to Board of Health approval.

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

VOTED: To approve the revision of the Special Permit to operate a Tattoo/Body Piercing Shop in a Business Zone to be located at Building 2, Unit 2,1 at 54 Main Street,

subject to the following conditions: Board of Health approval and inspection by the Building Commissioner.
Unanimous in favor.

7:30 PM Meet with Eric Badger to discuss Nemasket River Stewardship Project

Eric Badger of Badger Wilderness Guides and Allin Frawley, Middleborough Selectman, was present for the discussion. Mr. Badger stated that the Nemasket River Stewardship Project is a non-profit organization. The goal is to help improve the quality of the river for recreational use through the manual removal of foreign objects without disturbing the eco system, local wildlife, and local residents. The plan is to pick up garbage, bag it and paddle it away in canoes. In addition, they will promote Leave No Trace philosophies to the local community in an effort to have the Nemasket River continue to be seen as the valuable resource that it can be. This will be done through workshops that will be free to the community. The long term vision is to train local community leaders to become Leave No Trace Instructors to further the agenda of the project for years to come. This last step of facilitating the gift of The Stewardship Project itself to its local community is the end goal.

Mr. Badger said the Conservation Commission has already approved the project, as long as there is no use of chain saws and pulling of debris out of the ground. There will only be trash removal. No funds are being sought from the Town. This is a community based program which is open for volunteers. It will allow people to come out and have fun. There will be Massachusetts registered EMT's provided. There is one (1) grant for the program through the American Canoe Association in order to get a few community leaders trained in the Leave No Trace techniques. Mr. Badger stated that he trains guides in this for both land and water. Those joining are required to participate in one (1) environmental stewardship project a year.

Selectman Burke stated that this is a great project and resource for the Town. Ms. Garbitt mentioned that the Town of Middleborough voted to approve the project. Mr. Frawley stated that this is a non-invasive project. It is similar to the Lakeville Litter Lifters, only in a canoe. Mr. Badger is asking for your approval of the project and for a little bit of free advertising. Selectman Powderly stated that this is a great project. Mr. Badger stated that the program is family friendly. All participants will wear life jackets that are Coast Guard approved. There will be a summer schedule available on May 1st. The group will be scouting target areas to start and finish. If there are other organizations that would like to be included in this endeavor, please let him know. Mr. Badger provided his card and noted his email dan@badgerbasecamp.com and www.badgerbasecamp.com. He added that he hopes to build off community service days and take people down the river. It was the consensus of the Board of Selectmen that this is a great idea.

Discuss Request to Declare Air Sparge System as Surplus Property

Christopher Peck, Superintendent of Streets was present for the discussion. Chairman Belliveau stated that Mr. Peck would like to declare the air sparge, soil vapor extraction and catalytic oxidation systems and associated equipment as surplus. It is hoped that the Town can gain obtain some money back from the equipment, if it is sold.

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

VOTED: To approve the request to declare the air sparge, soil vapor extraction and catalytic oxidation systems and associated equipment as surplus.
Unanimous in favor.

Review and vote to approve May 18, 2013 Override Election Warrant

Chairman Belliveau read the Warrant for the May 18, 2013 Override Election into the record.

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

VOTED: To approve the May 18, 2013 Override Election Warrant.
Unanimous in favor.

Request from Town of Middleborough for Lakeville to endorse the McMahon and Associates Rotary Alternative

Allin Frawley, Middleborough Selectman, Norman Orrall, Town Moderator and Christopher Peck were present for the discussion. Mr. Frawley stated that the Middleborough Board of Selectmen feels that the McMahon and Associates Rotary Alternative option is the best one for both the Towns of Middleborough and Lakeville. The Middleborough Selectmen are asking for the Lakeville Selectmen's support on this option. Charles Cristello, Middleborough Town Manager will be meeting with Transportation Secretary Richard Davey and Representative Orrall in Boston on May 1st to promote this option. Chairman Belliveau asked why Middleborough favors the McMahon option. Mr. Frawley stated that, if he lived in Lakeville, he would be concerned of the new traffic patterns that will emerge. Streets that are currently quiet will now become busy streets. Everyone wants a solution to the problem. There is money out there to do this project. Joe Abbaticola of 23 Long Point Road stated he didn't understand the changes. Mr. Frawley explained that traffic will be forced onto shortcuts that were only known to locals. The proposed plan does not take into consideration the Sysco truck traffic either.

Norman Orrall, Town Moderator, said he has been a highway engineer for 23 years. This is a complicated issue, since there are so many roads and scenarios. The State wants to utilize Route 495. The McMahon option allows for the rotary to operate in all directions and fly the main traffic over the Rotary. Route 495 is already at capacity especially on Friday, Saturday, Sunday and Monday, due to Cape traffic in the summer. Now more people will have to get on Route 495. There will be additional costs to go with the McMahon project. However, it makes more sense, and will not put additional traffic on Route 495. Sometimes you just have to do the right thing so it will work the way it should work best, rather than just doing it to make it work. Mr. Frawley stated that Middleborough's Town Planner thinks the additional \$13 million may be on the high side. Chairman Belliveau stated that Lakeville doesn't mind supporting Middleborough, if this is the best alternative, but what weight does it give to the project? Mr. Frawley responded that Secretary Davey has stated that he values community support. They call it the Middleborough Rotary, but it will help the Town of Lakeville as much as Middleborough.

Middleborough would appreciate the support and feels that it is the best idea for both Towns. Mr. Orrall stated that the support will allow those at MassDOT to look at the options more closely. They need to endorse the McMahan option over the other options.

Chairman Belliveau asked if Mr. Peck could provide an opinion on the matter. Mr. Peck stated that there will be a lot of effects to Lakeville, mainly in the off peak hours. All the traffic will be redirected to back roads. He supports the McMahan project. Ms. Garbitt stated that the proposed Taunton Casino was not taken into consideration with this project. Mr. Peck stated that casino traffic will affect Route 79. Mr. Frawley stated that Middleborough is asking for a chance on the McMahan option. Selectman Powderly stated that he would be happy to say that they should make sure the design's cost effective and to look at the design thoroughly. We want them to look at the costs for the payback to the McMahan approach. He thinks that the design is great, but if it costs twice as much, then he won't support it.

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

VOTED: To write a letter to the State and ask them to look closely at the McMahan and Associates Design Alternative for the Middleborough Rotary.
Unanimous in favor.

8:00 PM Meet with Superintendent of Streets for update on Highway Barn Gasoline Cleanup and Vote on Addendum to BETA, Inc. LSP Contract

Christopher Peck, Superintendent of Streets, was present for the discussion. Chairman Belliveau stated that there was a meeting with BETA, Inc. two (2) weeks ago. The Town is looking to close this project out regarding the Highway Barn Gasoline Cleanup. BETA has provided a proposal to do this. Mr. Peck explained that in the late 90's, there was a gasoline leak spill at the Highway Garage. They had put in the air sparge system to capture the gasoline and burn it off. In 2008, the clean-up process was reviewed again. BETA came in and said that it was not working, since the plume had shrunk. Changes were made to the cleanup efforts. Now BETA is being asked to perform more testing to see if the plume has shrunk even more. If that is true, the Town can reduce even more fees that are paid to DEP and perhaps only do monitoring here and there. This contract will allow more test wells to be put in to show that the plume is still shrinking and to continue to monitor it. Chairman Belliveau stated that he felt that the Town should move forward to get this project closed out. Mr. Peck stated that BETA is completing the reports for the Town to submit to the DEP.

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

VOTED: To approve the Proposal for Professional Services between the Town of Lakeville and BETA Group, Inc. of Norwood, MA in an amount not to exceed \$38,500 for the indicated Scope of Services, plus a not to exceed \$8,500 for document preparation and to sign the agreement.
Unanimous in favor.

Request from Town Clerk to renew Auctioneer, Junk Dealer and Junk Collector Licenses for 33 Myricks Street; 201 County Street; 61 Rhode Island Road and 69 Main Street

Ms. Garbitt stated that the Building Commissioner inspects all the establishments looking to renew their Auctioneer, Junk Dealer and Junk Collector Licenses. Mr. Iafrate reported that except for the property at 33 Myricks Street, all could be renewed. Mr. Iafrate is recommending a two (2) month extension of their licenses to improve the conditions.

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

VOTED: To renew the Auctioneer, Junk Dealer and Junk Collector licenses for a period of two (2) months to Anthony and Dorita Morris of 33 Myricks Street, Lakeville to make the necessary improvements to fulfill the conditions of the license. If the conditions are not met, the Morris' will need to attend a meeting with the Selectmen to discuss the issues and/or their licenses will not be extended.
Unanimous in favor.

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

VOTED: To renew the following licenses with an expiration date of May 1, 2014: Hugh and Judy Rogers, 201 County Street – Junk Dealer and Junk Collector; Robin E. Marques and Donald J. Bernier, Jr., 61 Rhode Island Road – Junk Dealer; and Donna Muncy, 69 Main Street, Junk Collector and Junk Dealer.
Unanimous in favor.

Request from LakeCAM to send letter to Verizon regarding connection to Cable Studio

Ms. Garbitt stated LakeCAM has requested that the Selectmen send a letter to Verizon regarding the connection at the cable studio. The connection is not good, and the quality needs to be fixed. Because the Selectmen are the Issuing Authority, they have to send the letter. After a brief discussion, the Selectmen requested that Ms. Garbitt contact Robert Marshall regarding the request. The letter will only be sent if Mr. Marshall deems it necessary.

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

VOTED: To send a letter to Verizon on behalf of LakeCAM for improving the connection quality issues.
Unanimous in favor.

Discuss request from Lakeville Art Council for a permanent stage at Town House

Ms. Garbitt explained that the Lakeville Art Council is requesting construction of a permanent stage at the Lakeville Town House. They have met with the Conservation Agent and the Building Commissioner regarding the stage. Mr. Iafrate feels that there should be a ramp access to the stage, and perhaps in the future, build a cover over the stage. Ms. Garbitt explained that right now, the Highway Department puts the stage up when it is needed.

Selectman Powderly suggested that someone should make sure that the stage is made with weather resistant materials. The location of the stage should be marked out. Ms. Garbitt stated that she will check with Joanne Corrieri-Upham to make sure that the stage will be built in the same area that it is usually placed. Chairman Belliveau suggested that the Board hold off from voting, until the location of the stage in regards to the Town House has been made clear. Ms. Garbitt stated that she will get more information to provide to the Board.

Review Zoning Board of Appeals Petitions: 8 Oak Street and 31 Bedford Street

Chairman Belliveau reviewed the 8 Oak Street petition with the Board. It was the consensus of the Board that they had no comments except to adhere to the Zoning Bylaws.

Selectman Burke said regarding 31 Bedford Street, the soil conditions and lot size do not meet the requirements for a variance. The Zoning Board of Appeals may grant the variance and if no one appeals it, then it carries. However, the applicant is not seeking a variance due to the shape or topography, lot size or soil conditions. Selectman Burke asked that his comment be included in the memo to the Zoning Board of Appeals. There were no other comments by the other Board members.

Review and vote to approve Executive Session Selectmen Meeting Minutes of April 8, 2013

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of April 8, 2013 as presented.
Unanimous in favor.

Old Business

Chairman Belliveau then discussed the ballot question for the Override Election. The override amount would be \$1,500,000, of which \$340,000 would be to reach Net School Spending (NSS). The \$1,160,000 exceeds the Net School Spending amount that was requested to be funded. It is being suggested that the Board send a letter to the School Committee stating that if the override is approved, rather than hiring teachers, that the money be directed towards Capital Improvements at the Schools. Chairman Belliveau stated that he would like to make the recommendation to the School Committee, but the Selectmen cannot tell the School Committee what to do with the funds. Selectman Powderly stated that the smart thing would be to put it in the E&D account for Capital projects. If they don't, then shame on them. Selectman Powderly stated that he would not support the letter since it is not the Selectmen's purview to tell the School Committee what to do. Selectman Burke stated that he will provide his support to send the letter.

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

VOTED: To send a letter to the School Committee explaining that the expectation of any additional funds over the \$33 million budget will be used for either E&D or Capital Expenditures.
Two in favor, one against (Selectman Powderly).

New Business

Mr. Abbaticola asked who paid for the snow plowing for the Schools. Chairman Belliveau stated that the Region has to pay for their share. Chairman Belliveau noted that the Town has not received a signed lease yet from the Region. Ms. Garbitt mentioned that Freetown has the same lease for their elementary school, and it has not been voted on either. Chairman Belliveau suggested that the Board look into when we will receive a signed lease. Mr. Abbaticola asked who pays if someone gets injured on the property. Chairman Belliveau responded that the Town is listed as an additional insured on the Region's insurance policy.

Other Items

1. Reorganization memo from Library Board of Trustees
2. Reorganization memo from Board of Assessors
3. Reorganization memo from Cemetery Commission
4. Memo from Board of Health regarding Special Town Meeting Warrant Articles
5. Letter from Lakeville Litters regarding 2013 Earth Day Event
6. Email from M/L Herring Fishery Commission regarding status of Herring Migration
7. Letter regarding Response Action Outcome Report-136 County Road
8. Letter from EBS Foran Insurance regarding Employee Benefits
9. Letter from AMEC Environment & Infrastructure regarding 2013 Yearly Operational Plan Right of Way Management-CSX Transportation
10. Letter from Mass DOT regarding Spring Sweeping
11. Annual Meeting Notice-Plymouth County Advisory Board – May 9, 2013 at 7:00 PM
12. Notice from Plymouth County Registry of Deeds regarding Community Preservation Act Surcharges for 2012
13. Grant Opportunity Notice from Executive Office of Public Safety and Security
14. Survey Results from MBTA regarding MBTA Funding
15. Newsletter from Farrell Backlund
16. Notice of Grants – Verizon Foundation Domestic Violence Solutions

At 8:50 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(3) to discuss strategy with respect to Collective Bargaining with the

new Unions, because an open meeting may have a detrimental effect on the negotiating position of the Board.

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