

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**April 8, 2013 - 7:00 PM**

On April 8, 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: Chairman 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 Alan Russell of LakeCAM.

The Finance Committee called their meeting to order at 7:01 PM. Members present included: Michael Petruzzo, Melissa Hopkins, Maureen Candito, and Ted Bunn.

**Reorganization of the Board of Selectmen**

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

VOTED: To appoint Selectman Belliveau as Chairman of the Board of Selectmen.  
Unanimous in favor.

Upon a motion made by Selectman Powderly; seconded by Chairman Belliveau stepping down to vote, it was:

VOTED: To appoint Selectman Burke as Director of Veteran's Services.  
In favor 2, Abstain 1 (Selectman Burke)

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

VOTED: To appoint Selectman Burke as Representative to the Plymouth County Advisory Board.  
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 appoint Selectman Burke as the American with Disabilities Act Coordinator.  
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 appoint Selectman Burke to the Economic Development Committee for a term to expire on July 31, 2013.  
Unanimous in favor.

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

VOTED: To appoint Selectman Powderly as Middleborough G&E Commission Ad Hoc Member for a term to expire July 31, 2013.  
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 appoint Selectman Burke as Parking Clerk for a term to expire July 31, 2013.  
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 appoint Selectman Burke to the Technology Committee for a term to expire July 31, 2013.  
Unanimous in favor.

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

VOTED: To appoint Selectman Powderly to the Ted Williams Camp Renovation Committee for a term to expire July 31, 2013.  
Unanimous in favor.

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

VOTED: To appoint Selectman Belliveau to the Water Advisory Board for a term to expire July 31, 2013.  
Unanimous in favor.

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

VOTED: To appoint Selectman Belliveau to work on the redevelopment of the former Lakeville Hospital property.  
Unanimous in favor.

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

VOTED: To appoint Selectman Belliveau to act for the Board in the negotiation with the New Unions.  
Unanimous in favor.

## **Discuss Ballot Question for Override**

Ms. Garbitt stated that the Town Clerk is looking to schedule the Override Election on a Saturday from 9:00 AM to 4:00 PM. Chairman Belliveau stated that he has worked out three (3) different scenarios for the Ballot Question. He is not sure if a five (5) year plan will work. The numbers are high to have a five (5) year sustainability figure work. It is hoped not to have the taxpayers have to come back sooner than five (5) years for another override. However, a larger figure might be too substantial for the taxpayers. The plan is a 3.5% growth rate, and the schools would have to stay within a budget of 2.5%. That is what the schools really need. It is not their Tier 2 budget; it is somewhat less. A three (3) year plan with a \$1.5 million override appears to be the best scenario. Money would be held back in reserve for the Town, and if necessary, it will all go to the schools and then the Town would be in trouble for Years 2, 3, 4, and 5. With the three (3) year funding, the Tier 1 budget, with a net school figure of \$9,875,000, totals \$10,791,000 for the schools and increases the Net School Spending (NSS) number. Then some funds can be used for the Town so that some road projects can be done. Selectman Powderly stated, as far as restricting the funds, if Chairman Belliveau is for the roads, then the question that the Board should be asking the taxpayers is if the Town should be allowed to do this assessment beginning July 2013. He felt if \$250,000 is needed for the roads, then a debt exclusion should be done for that. He has no objection to the \$1.5 million that had been discussed at the Joint Meeting with Freetown last week. A \$1.8 million number had been presented, however, that is being reduced since Freetown representatives said that they were not going to do an override vote at all. If the schools get that money and spend it all, then shame on them, but we don't have any control over it. Selectman Powderly stated that the School Department should be prudent who they hire and keep the teacher population as it is.

Selectman Burke stated that by default, the Board of Selectmen is coming up with the School budget. He said he was not contacted by anyone from the School Committee or School Administration regarding the need for an override. Chairman Belliveau said he spoke with the Superintendent and received a figure. It is frustrating that the Selectmen have to come up with a number. There is no control once the funds go to the School Department, since they can use the money wherever they want. We have to bear the responsibility, and that is the down side of the multi-year approach. If an override will pass, then it has to be number specific. We need one (1) number and need to know what the number is that will work. Ms. Candito asked if the tax increase on the elderly or income restricted could be limited. If so, that might make it more palatable to those who are eligible for a reduced amount. Ms. Garbitt explained that residents over 65 can apply for a reduction. It depends on their age and the assets of the person.

Mr. Bunn stated that there is the known contract amount for Year 1, and then there is Year 2 and 3. The bulk of the budget is contractual obligations, and the Town doesn't know what the negotiations will result in. The 1% raise is \$140,000, but steps and levels bring it over \$300,000. If this is for three (3) years and it ends up being good for only two (2) years, it will be frustrating. This is a complex problem. Selectman Powderly stated that he looks at it as a one (1) year solution. There is nothing that prevents the School Department from giving greater raises the year after. All of the Selectmen and Finance Committee members from both Towns sound like a

broken record, with the Schools sounding like a broken record on the other side of the matter. Nothing prevents the school from hiring 15 new teachers.

Michael Smith, resident, asked if the \$1.5 is what the School Committee approved. Chairman Belliveau explained that the School Committee wanted the Tier 2 budget. However, prior conversations have taken place regarding the fact that they can live with \$33 million. Mr. Smith said so if we go with this number and it is not approved, what do they get. Chairman Belliveau responded that they would get Net School Spending and that is all. Mr. Smith asked how do we educate the taxpayer who does not have kids in the School System. Chairman Belliveau stated that it is not up to the Selectmen to sell this project; it is up to the School Committee. The Board is compromising with the School Committee. The \$1.5 includes the Net School Spending minimum increase. If the override does not pass, the School Department would have to try and close the gap. Then there may end up being a joint Town Meeting. If the funds are passed, then the Schools will be funded in a different way. It seems that the \$1.5 million will pass, and it will fund the schools properly. May 18<sup>th</sup> is the date for the override vote if the information is received by the Town Clerk this Friday, then the Town will know in June how it stands at its Annual Town Meeting. Freetown had the Tier 2 in their budget, but they are not going to have an override. Joe Abbaticola, resident, asked if we pass the override, what happens next year. He is not going to vote for something like that when we do not know what will happen next year. Chairman Belliveau stated that the Town will have \$340,000 in additional funds for next year. Mr. Batacola stated that this is just a shot in the dark. Selectman Burke responded that that was his point. It is frustrating on how to make this work, when the Selectmen only have some of the information.

Chairman Belliveau stated that the School Department knew in July that they would be at least a \$1 million short. Mr. Abbaticola said that he is not saying that they did not need a raise, but they did not need such a big raise. David Davenport, Regional School Committee Member, stated that the District stated the budget in the beginning and it has never changed that he is aware of. Chairman Belliveau explained that they did go up. It was \$1.7 million, now it is over \$2 million. Mr. Davenport stated that the Tier 2 amount has never changed. He added that he did not support regionalization since it was expensive for the town. Last year the budget was 1% over; this year the increase is about 7%. If you average out the three (3) years, it is well within the 3%. You have done a lot of good work, and he thinks some of the impressions being tossed out are unfair. Chairman Belliveau stated that only this year and next year are known. The taxpayers cannot be told anything more than that. Chairman Belliveau stated that he believes that the Tier 2 budget is based on someone's goals for an ideal education. It is not an affordable number for the Town. It is more a want than a need. Chairman Belliveau said an additional \$340,000 is funding at Net School Spending, in addition to the \$1,160,000 million. That is a little over the Tier 1 budget. The School Committee voted the Tier 2 budget, which was \$2.5 million, including Net School Spending. For a house valued at \$290,000, the taxpayer would pay \$309 in additional taxes annually. For a \$500,000 home, it is approximately \$520 dollars more in taxes.

Maria Martin, Assawompset School Teacher and resident, said she doesn't like what is taking place with our buildings. She wants the Selectmen to take care of the entire Town. Our Town is

really important, and it devalues our homes if we don't have good schools, police and fire personnel. The override should be touching the entire Town.

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

VOTED: To hold a Special Election on May 18, 2013 with the polls to be open from 9:00 AM to 4:00 PM and to place the following question on the ballot: "Shall the Town of Lakeville be allowed to assess an additional \$1.5 million in real estate and personal property taxes for the purposes of funding the Freetown Lakeville Regional School District operating budget for the fiscal year beginning July 1, 2013.

Unanimous in favor.

### **Discuss Scheduling Special Town Meeting**

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

VOTED: To schedule a Special Town Meeting at 6:30 PM at the Apponoquet High School Auditorium on Monday, June 10, 2013 and to open the Warrant.

Unanimous in favor

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

VOTED: To close the Special Town Meeting Warrant on Monday, June 3, 2013 at 5:00 PM.

Unanimous in favor.

### **Review Annual Town Meeting Warrant Articles from School Department**

Ms. Garbitt explained that generally the first and second article on the Annual Town Meeting Warrant is for the operating budget. The School Department has submitted their article for a sum of money and it is not sure what their number will be. The next article is for vocational students only. The number of students that will be attending Bristol Aggie has not been supplied to the Town as of yet. April 1<sup>st</sup> is the deadline to receive this information. There will be four (4) seniors graduating from Bristol Agricultural School this year. Chairman Belliveau asked Ms. Garbitt to contact Mr. Ward at the School Department to find out the number of students that will be attending the school next year.

### **Vote to Ratify Fire Chief's Employment Agreement**

Chairman Belliveau explained that there now a signed contract with the Fire Chief.

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

VOTED: To ratify the Employment Agreement with Fire Chief Daniel Hopkins, effective July 1, 2012 through June 30, 2015.  
In favor 2, Abstain 1 (Selectman Burke)

#### **Vote to sign MS4 General Permit Annual Report**

Ms. Garbitt stated that this Annual Report has to be filed every May 1st.

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

VOTED: To authorize the Chairman to sign the 2013 Annual Report for the Town of Lakeville's MS4 General Permit (Stormwater Management)  
Unanimous in favor.

#### **Update regarding Current Earth Removal Permits**

Ms. Garbitt explained that during the months of April, May and June the sloping and grading will be done for N.E. Rent-all Equipment. The planting will need to be done before June 30<sup>th</sup>. She will check with the Building Commissioner to see if this work has been done. If not, then the Selectmen will want to meet with Mr. Radke regarding why the project has not been completed. He did tell his neighbors that he would complete the project by the end of his permit in 2013. Ms. Craig stated that although the earth removal permit has an expiration date on it, the permit is still open due to the extension that the Governor has signed into law. Selectman Powderly noted that from a legal point of view, that is correct. However, from the neighborhood perspective, and letters received, Mr. Radke has stated that the project would be completed this year.

#### **Discuss Directional Street Signs for Betty's Neck**

Ms. Garbitt stated that Linda Grubb had requested 16 signs for Betty's Neck from the Superintendent of Streets. Ms. Grubb's request was shown to Emery Orrall. He said that he was just interested in getting a sign for the entrance to Betty's Neck. Mr. Peck has suggested putting a sign at the beginning of Long Point Road and at the beginning of the entrance. The cost is \$50 per sign, plus hardware of approximately \$35. Selectman Powderly stated that two (2) signs would be adequate for a total cost of \$170.

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

VOTED: To put up two (2) directional signs for Betty's Neck, one sign at the end near Island Terrace and one sign at the beginning of Long Point Road.  
Unanimous in favor.

**Discuss Request from Town of Norton to Change Current Method of Calculating Affordable Housing Inventory**

Ms. Garbitt explained that the Town of Norton has requested that Lakeville support a change to the current method of calculating the Affordable Housing Inventory. Many communities have approved projects on the books, and have not received credit for subsidized housing. Lakeville does have some projects planned, and will be submitting the necessary information required. The Town will then be within 31 units of meeting the required 10% of Affordable Housing. The Town will receive credit for 97 of the 386 units in LeBaron Hills. Three of the 12 units at Bridge Street Crossing are affordable. We are waiting for the last occupancy permit to be applied for since they have to have that before the project can be submitted. Selectman Powderly stated that he feels this should be based upon completion rather than what is approved. Further discussion took place on the status of projects. Selectman Burke stated that he is not against 40B, but he is for local control of projects. Ms. Garbitt stated that the Town has 254 units on the books, and is preparing the paperwork for another 100. The Board decided to take no action taken on the request.

**Request for Review of Site Plan – 310 Kenneth Welch Drive**

Selectman Powderly stated that the firm has three (3) buildings at present and would like to add a fourth building. This will have to go before the Conservation Commission and Mass DEP. There were no comments from the Board at this time.

**Review memo from Planning Board regarding rezoning of 520 Kenneth Welch Drive**

Chairman Belliveau explained that there is a cranberry bog in the Industrial Park that is zoned residential. At the original Planning Board hearing, it was planned to zone the lot Business. However, the Planning Board would like to zone it Industrial to match the rest of the Park. A new hearing would need to take place. The Board agreed for the Planning Board to hold a new hearing to rezone the cranberry bog to Industrial.

**Review reappointments of Animal Control Officer and Assistant Animal Control Officers**

Chairman Belliveau said that the Board needed to make the reappointments for the Animal Control Officer and the Assistant Animal Control Officers.

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

VOTED: To appoint David Frates as Animal Control Officer and Constable, Jared Darling, Laurice Hedges, Darcy Lee and Jennifer Nash as Assistant Animal Control Officers with terms to expire on April 30, 2014.  
Unanimous in favor.

**Review reappointments of Veterans' Agent and Graves Officer**

Chairman Belliveau said that the Board needed to make the reappointment for Veterans' Agent and Graves Officer.

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

VOTED: To appoint Robert Mello as the Veterans' Agent with a term to expire April 30, 2014.  
Unanimous in favor.

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

VOTED: To appoint Robert Mello as Graves Officer with a term to expire April 30, 2014.  
Unanimous in favor.

**Request to appoint SRPEDD Representative and JTPG Delegate and Alternate**

Chairman Belliveau said the Board received a request from SRPEDD to appoint a representative to the SRPEDD Commission and the Joint Transportation Planning Group (JTPG) for the Town.

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

VOTED: To appoint Rita Garbitt as the Selectmen's representative to SRPEDD.  
Unanimous in favor.

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

VOTED: To appoint Christopher Peck as the JTPG Delegate with Rita Garbitt appointed as Alternate.  
Unanimous in favor.

**Discuss request from Economic Development Committee for Derek Maksy to be appointed as at-large member**

Chairman Belliveau said the Selectmen had received a request from the Economic Development Committee to appoint Derek Maksy as an At-Large member.

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

VOTED: To appoint Derek Maksy as an At-Large Member of the Economic Development Committee.  
Unanimous in favor.

**Discuss letter from Ms. Karcher regarding pothole damage**

Chairman Belliveau stated that he had read the letter from Ms. Karcher regarding pothole damage to her vehicle. However, in the past, the Town has not reimbursed pothole damage for tires. Selectman Burke stated that making an adjustment to the status (wear & tear) of the tires is specifically noted in the law. Selectman Powderly stated that since no one has been compensated for this in the past, the Board may not want to set a precedent. Ms. Garbitt explained that if the Superintendent of Streets was aware of the pothole, and it was repaired in an appropriate timeframe, the Town is not responsible for damages. Selectman Burke added that he didn't think the request met the legal limit. A receipt was not submitted. It is not known if the tires were really repaired or replaced. There is no burden of proof, along with the fact that the 30-day time limit for notification has been exceeded. Ms. Garbitt explained that the woman had thought that the road was in Taunton where the damage occurred, so she pursued the matter to the City of Taunton.

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

VOTED: To deny the request from Ms. Karcher requesting that the Town reimburse her for damage done to their vehicle when their vehicle hit a pothole on Route 79 in Lakeville.  
Unanimous in favor.

**Schedule Board of Selectmen Meetings – May, June, and July**

Discussion took place regarding scheduling the next three (3) months of Selectmen meetings. The meetings were planned for May 6<sup>th</sup>, May 22<sup>nd</sup>, June 3<sup>rd</sup>, June 24<sup>th</sup>, July 15<sup>th</sup>, and July 29, 2013.

**Review Zoning Board of Appeals Petitions: Lot 6 & Lot 7 Staples Shore Road**

Selectman Burke recused himself from the discussion since he is a Lion's Club member. Brief discussion took place on the Zoning Board of Appeals Petitions for Lot 6 & Lot 7 Staples Shore Road. It was noted that a Special Permit would be needed for the project; otherwise, there were no additional comments.

**Review and vote to approve Executive Session Selectmen Meeting Minutes of March 25, 2013**

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of March 25, 2013 as presented.  
In favor 2, Abstain 1 (Selectman Burke)

## **Other Items**

1. Email from Chris Anthony regarding proposed business on Jennifer Lane
2. Letter from Old Colony regarding approval of changes made to the Old Colony Regional Vocational Technical High School District's Regional Agreement
3. Letter from Boy Scout Troop 333 regarding retiring of American Flags
4. Letter from Governor regarding Chapter 90 Funding-FY14
5. Notice from TEC Associates regarding 2013 Yearly Operational Plan – Massachusetts Bay Commuter Railroad
6. Memo from Town Counsel regarding Use of CPA Funds
7. Notice from DEP regarding 2013 Sustainable Materials Recovery Program Municipal Grant Application
8. Notice from SRPEDD of nominations for Annual SRPEDD Awards
9. Meeting Notice-Regional Economic Strategy Committee-April 9, 2013
10. Notice from SRPEDD of Transportation Meeting-April 11, 2013
11. MassWildlife News
12. MassDOT Finance and Audit Meetings Report-Budget Shortfall FY14 for the MBTA
13. MBTA Advisory Board Meeting Agenda – April 3, 2013
14. Programming Change Notice-Verizon
15. Comcast Annual Update Forms
16. Notice from Board of Health regarding reorganization
17. Update from MBTA regarding Joint Ways and Means Proposal for Transportation for Massachusetts Analysis
18. Notice from Verizon on FiOS Rate Increase
19. SRPEDD Annual Meeting Notice-May 22, 2013
20. DOR Informational Guideline Release-Motor Vehicle Excise Bills

At 8:55 PM, upon a motion made 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. c.30A, §21(2) to discuss strategy in preparation for negotiations with non-union personnel, specifically the Police Chief's contract.  
Polled vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Burke-Aye.