

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

On May 6, 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 7:02 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. Cindy Dow of The Middleboro Gazette was recording the meeting, along with LakeCAM for local community broadcast.

7:00 PM Meet with Lakeville Arts Council to discuss permanent stage at Town House

Joanne Corrieri-Upham was present for the discussion. Ms. Corrieri-Upham explained that the stage would be located near the other building (steam roller barn/outhouse) on the site, not near the Town House. The stage will be 48 inches off the side of the building. There are electrical outlets near that building that were installed last year. The stage height will decrease from two (2) feet down to ten (10) inches in order to match the height of the electrical outlets. It is planned that eventually there will be a gazebo erected there, which will be enclosed. There will also be poles linked with white chain link so that no one falls into the retention pond. Selectman Powderly stated that he did not mind the retention pond being left as it presently is. There has not been a problem with anyone falling in the retention pond for eight (8) years. Ms. Corrieri-Upham noted that the annual Lakeville Arts Festival will take place on October 5th.

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

VOTED: To allow the Lakeville Arts Council to construct a permanent stage at the Town House Property, nearest to the steam roller barn/outhouse building.
Unanimous in favor.

7:15 PM Meet with Police Chief to discuss the new Grant Round for the COPS Hiring Program and the COPS Community Policy Development Program

Police Chief Frank Alvilhiera was present for the discussion. Chief Alvilhiera explained that this is a new Federal grant to hire Police Officers. They would be hired for a period of three (3) years. It will be necessary for the Town to fund 25% of the salary and benefits each year, and the grant would pay the 75% difference. May 22nd is the deadline to apply for the grant. The Town's portion would be approximately \$15,000, including the health insurance, based on the FY14 salaries. Chairman Belliveau stated that he asked Chief Alvilhiera to come in and discuss this with the Selectmen. He felt that Chief Alvilhiera should apply for the grant. The grant won't be awarded until September. If the Town does receive it, at that time the Town can decide if there is the ability to move forward with it. Chief Alvilhiera stated that his intention is to put in for one (1) Officer, because after three (3) years the Department would have to stay with the increased manpower. Selectman Powderly wondered if two (2) Officers should be applied for. Chief Alvilhiera stated that he will have to specify the number in the grant. Selectman Powderly suggested applying for two (2) Officers, provided that if the Town is

awarded two (2) Officers but needs to drop back to one (1), there is not a penalty. Chief Alvilhiera stated that they have not applied a penalty in the past.

Selectman Burke agreed with Chairman Belliveau's point to apply for the grant and then to reassess the need and the budget in the fall. If the Town can afford two (2) Officers, then that should be done. Selectman Powderly noted that then in the 4th year; the cost for the two (2) Officers will be \$120,000, understanding that it will cost \$30,000 a year for the first three (3) years. Chief Alvilhiera explained that the need on the application will depend on the formula that is used to determine if the Town even qualifies for applying for two (2) Officers. It is based on crime statistics and population.

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

VOTED: To authorize Chief Alvilhiera to put in a COPS grant request for two (2) Police Officers.
Unanimous in favor.

7:30 PM meet with Phillip Benjamin and Conservation Commission to discuss Forestry Management Plan & Forest Stewardship Outreach Plan for Vigers Property – Pickens Street

Phillip Benjamin was present for the discussion. Mr. Benjamin explained that the Town took advantage of a State program to develop stewardships plans for private and municipal properties. The Vigers Property on Pickens Street and the Howland Road Property were submitted for approval. The applications have been accepted, and the money has been set aside. Ms. Garbitt noted that there is a Gift and Grant account for the Vigers Property and inquired about the balance. Ms. Grubb responded that there was approximately \$1,300 left. Both plans have been completed. Ms. Garbitt noted that the land owner's goals were on page 2. Ms. Grubb stated that the Conservation Commission completed their goals on the Vigers property a few months ago. It appears that the Selectmen would need to work on the Howland Road property. Mr. Benjamin then explained what would be done to the property. The main goal is to get the next generation of trees started. Selectman Powderly asked if \$10,000 is spent, could that amount be seen in profit. Mr. Benjamin stated that the wood can be used for firewood or saw wood (planks). It will be 30-40 years before the white pines will grow enough. There are areas on the Howland Road property that could use attention, since both sides are flanked with overgrowth and need some control.

Ms. Grubb stated that the Selectmen have a copy of the stewardship outreach plan for the Vigers Property. The plan states that all the land is very close to the Library. This would allow families in Town easy access. It is beautiful land, but it will take some investment to get it to the point to be a park. The meadow will be worked on first for activities. This will help people to be more supportive of conservation efforts, such as protecting habitats. The health of the forest is an issue. The area needs its access to be improved for recreation. It is a unique special area that should be protected. One of the big challenges is that the property is also used for hunting. A wilderness guide event has already been lined up for June to introduce the park to people. This would tie into the Conservation Commission's efforts regarding treading lightly. That

program will begin to introduce people on how to use parks and protect them at the same time. There will be an end of summer celebration outdoors, and then work will begin to develop plans for next year. Further details were provided on the land. Selectman Powderly agreed that the area needs to be made accessible for walking, skiing, horseback riding, etc. This is managing sustainability for long-term forest health, productivity, diversity, and quality. There should be access for people so that they will use it. Mr. Benjamin stated that he will file the application with the State for June. Mr. Benjamin stated that sometimes people are shocked when the thinning begins to take place, so public awareness is important. Typically walks and talks are done through the area to explain what will take place.

Ms. Grubb stated that she would like to make sure that the Selectmen are on board with the plan for the Vigers Property. Specific concentration will take place on the areas closest to Pickens Street that contain the meadow. Ms. Kulakovich explained that safety is also a priority for people utilizing the area. Signage will be looked into warning of traffic, since people go around that area fairly quickly, and there is limited visibility. Ms. Grubb noted that the property does not have signs anywhere indicating that it is owned by the Town of Lakeville. There should be a sign, and it should list the rules of the park. Also, since the hunting season is not known to everyone, those time frames should also be noted on the sign. Ms. Kulakovich explained that the goal is not to add anything, but to keep the property natural. Mr. Chamberlain stated that he would assume that the Town has the proper insurance in place if anything happens? Ms. Garbitt responded that there is.

Meet with Phillip Benjamin to discuss Forestry Management Plan for Howland Road Property

Phillip Benjamin was present for the discussion. Chairman Belliveau asked what the goals were for the Howland Road Property. The Board then went over the Landowner Goals form and marked the appropriate columns rating the level of importance to the Town. It was noted that the Howland Road Property is Industrial zoned. The only access is by quads right now. Mr. Chamberlain pointed out a clarification on terminology. *Open space* is land that has not been developed. *Vacant land* usually refers to a place that previously had a use, and does not now. Vacant is typically something that was tarred and is crumbling now. Mr. Zienkiewicz noted that the term for Town Owned Municipal land is *vacant land*. The Department of Conservation and Recreation (DCR) form has to be signed so that Mr. Benjamin can send it in.

Sylvester Zienkiewicz of Anaconda Drive commented on the fact that he felt the Howland Road Property should be sold, knowing the financial needs of the Town. Ms. Garbitt stated that the intent at the time was to purchase the 636 acres for open space, and for the State to pay the Town for a conservation restriction. However, a change in administration at the State level meant that did not happen. Chairman Belliveau stated that at this time, the Town wants the forest to be a better place. Selectman Powderly stated that if the Town can harvest some wood from the property, then he is all for it at no cost to the Town. We should improve the property to make it accessible, and then later down the road, discussion can take place about possibly selling the Howland Road Property. Mr. Benjamin explained that there is only so much sunlight and nutrients, so the trees need to be thinned out. Mr. Chamberlain stated that he has had a selective cut process going on for his property for 47 years. For the most part, you cannot even tell. It is a

healthy forest; if it was left alone then the briars and other bothersome growth would take over. There needs to be a variety of trees in the event that a bug comes out that wipes out a particular type.

Discuss and vote on Board of Selectmen Vice Chairman

Chairman Belliveau said that he would like to appoint a Vice Chairman for the Board.

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 John Powderly as Vice-Chairman to the Board of Selectmen.
Unanimous in favor.

Discuss and vote on Signatory for Water Enterprise Account

Chairman Belliveau noted that the Board needed to appoint a signatory for the Water Enterprise Account.

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

VOTED: To continue with Chairman Belliveau as the signatory on the Water Enterprise Account.
Unanimous in favor.

Vote to accept Letter of Resignation from Superintendent of Streets Christopher Peck

Chairman Belliveau read the letter of resignation from Christopher Peck, Superintendent of Streets. Chairman Belliveau stated that Mr. Peck will be sorely missed.

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

VOTED: To accept Christopher Peck's resignation, effective May 24, 2013.
Unanimous in favor.

Discuss Hiring Process for new Superintendent of Streets

Ms. Garbitt explained that the current position has several additional duties that have been added since Mr. Peck was appointed to the position. A Civil Engineering Bachelor's degree is required. Ms. Garbitt will advertise the vacancy in the Middleboro Gazette, Standard Times, the Town's Website and in The Beacon. The deadline for applications will be Friday, May 31, 2013. The salary range was discussed, and a range of \$65,000-\$75,000, commensurate with experience, was agreed upon.

Discuss invitation from Interim Superintendent of Schools to participate in Search Committee for Director of Finance, Human Resources and Operations

Chairman Belliveau stated that as he is presently the representative to the Regional Schools for the Selectmen, he did not understand why the request had been sent. Mr. Zienkiewicz stated that he was surprised that this request came at all, since those positions are hired by the School Committee. Selectman Burke explained that the request was from the Regional School District Committee inviting the Selectmen to send a representative; it was not from the Superintendent.

Discuss Proposed Warrant Article relative to funds for the Police Station Design

Police Chief Frank Alvilhiera was present for the discussion. Chairman Belliveau explained that in 2007, Town Meeting voted an amount of money to design a Police Station that was to be built at the Ted Williams Camp. However, National Heritage will not allow the Town to build anything else on that site. It doesn't make sense to borrow more money for capital needs when there is money sitting in an account gaining interest. It is being recommended to use this money to buy the three (3) Police Cruisers, make a partial payment on the chipper for the Highway Department, and also purchase the pickup truck for the Highway Department. The Town does still need a Police Station, but will need a Public Safety Building at some point in the future. A suitable location will also have to be found for it. The Town should use the funds available rather than borrow more money.

Chief Alvilhiera explained that it was six (6) years ago when the funds were borrowed for the Police Station Design, but the need for Police cruisers is a high priority. Chairman Belliveau stated that the Capital Expenditures Committee brought forward Capital needs in the amount of \$425,000. The \$150,000 would help reduce that amount. Ms. Dow asked if the money was actually borrowed. Ms. Garbitt responded that it had been and was paid back. It is unexpended proceeds that can be used. Chairman Belliveau stated that this would help the Town provide what is needed now. Selectman Powderly stated that this is a good idea. Ms. Garbitt explained that the Town would do a new appropriation at another time for the funds for the Police Station Design. Selectman Powderly stated that he didn't object to using the money, however, if Town Meeting does not approve it, what is Plan B for the cruisers, chipper and pickup truck? Ms. Garbitt responded that it depends on what the Board approves tonight for Capital Expenditures.

Review letters from Capital Expenditures Committee and Finance Committee regarding FY14 Capital Plan and vote on Selectmen's recommendations

Ms. Garbitt distributed an updated FY14 Capital Plan. Chairman Belliveau reviewed the requests and explained the needs in detail:

Equipment and Technology for Town Network	\$ 87,500
Emergency Generator Fire Dept/Town Offices	\$ 17,000
Equipment for Fire Dept.-Hoses, Nozzles, etc.	\$ 10,000
Brush Chipper for the Highway Department	\$ 35,000
¾ ton Pick Up Truck with plow set up and equipment for Highway	\$ 40,000
Pickup Truck for Board of Health	\$ 22,000

Two (2) 30 Yard Waste Containers for the Transfer Station	\$ 9,000
Three (3) New Police Cruisers w/equipment (less trade-ins)	\$105,000
Window Replacement for Town Offices/Fire Station	<u>\$100,000</u>
TOTAL	\$425,500

Chairman Belliveau further explained that the Highway Department is in dire need of a new salt shed or renovations to the current one. However, they will attempt to get another year from the salt shed. If the override passes, the Board may reconsider the request. The override would fund the Net School Spending (NSS) increase this year and the Town would not have to come up with that, so the Town would have additional money. The \$1.5 million will all go to the Schools and free up money to put into Stabilization. Selectman Powderly pointed out that the override is for the Schools, and the Selectmen should not be saying that it is for the Town. Chairman Belliveau agreed. He added that he would like the Town to appropriate the \$150,000 that was set aside for the Police Station Design to be used to purchase three (3) Police Cruisers, a ¾ ton Pickup Truck and then \$5,000 to be put towards the chipper for the Highway Department. The \$425,000 would be reduced to \$275,500. That is a more palatable amount for the Town to borrow. Ms. Garbitt stated that the Finance Committee removed the \$22,000 for the Board of Health pickup truck, reducing the amount to \$403,500. Right now there is approximately \$86,000 in the Debt Service/Capital Projects Stabilization Fund at this time. Selectman Powderly suggested that since the ambulance does bring in approximately \$360,000 in fees a year, some funds should be set aside from those monies in a separate account to start building towards the purchase of a new ambulance next year.

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

VOTED: To agree with the Finance Committee’s recommendation for the FY14 Capital Plan in the amount of \$403,500.
 Unanimous in favor.

Review memo from Planning Board regarding Kennel Bylaw

Ms. Garbitt stated that the Kennel Bylaw was not included on the Annual Town Meeting Warrant. Changes were made by the Planning Board, and there is not enough time to move forward on this. Chairman Belliveau stated that his opinion is to table the bylaw.

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

VOTED: To table the Kennel Bylaw from the Annual Town Meeting warrant.
 Two in favor; One Abstention (Selectman Powderly).

Review and vote on Warrant Articles for Special Town Meeting-June 10, 2013

Ms. Garbitt stated that she is working on finalizing the transfers for Article 1.

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

VOTED: To put the following article on the Special Town Meeting Warrant: To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2013 for various accounts in the General Fund, the Park Enterprise, Landfill Enterprise, and the Water Enterprise, or take any action relative thereto.
Unanimous in favor.

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

VOTED: To sign the Special Town Meeting Warrant for June 10, 2013.
Unanimous in favor.

Review and vote on Warrant Articles for Annual Town Meeting-June 10, 2013

Ms. Garbitt reviewed the Warrant Articles for the Annual Town Meeting with the Board. Selectman Burke stated that he would like to have a conversation regarding Article 20 – the Water Withdrawal Bylaw. He understands the need for the bylaw; however, it doesn't seem appropriate that the Selectmen should be policing this particular activity. There may be difficulty in enforcing this bylaw. Selectman Powderly stated that he has no desire to send a Police Officer to where the extraction is taking place, since it may then take the Police away from another important matter taking place. If someone takes a picture and it is dated, then they can be sent a ticket. The Selectmen should send a letter to the irrigation companies, requesting that they not withdraw water from any of the Town water supplies. There are hundreds of people who put their boats in the water and don't wash them off from previous water sources that they have been in. That introduces a lot of foreign substances into the water supplies as well. The intent is understood, but there are many other transfers taking place between items into the water that are not being addressed. Selectman Burke added that this seems to be another bylaw that will not get enforced and does not serve the purpose of what its intent is.

Ms. Grubb explained that the bylaw was created to be a deterrent. It is not anticipated that a lot of people will be rushing out to enforce it. The point is that no one knows what has been in the tank before hoses are placed into the water and then filled with Lakeville's water. There may be backflows of foreign matters entering the water supply. This is not the way we want the streams treated. Also, when the trucks are backing up to the water supply, the trucks cause erosion to the sides of the road. Cement trucks have been seen washing their trucks off near the water supply. Further discussion took place on the article.

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

VOTED: To remove Article 20 from the Annual Town Meeting Warrant.
Unanimous in favor.

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

VOTED: To put the Articles 1 through 24 (after removal of Article 20) on the Annual Town Meeting Warrant.
Unanimous in favor.

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

VOTED: To sign the Annual Town meeting Warrant for June 10, 2013.
Unanimous in favor.

Discuss request for Appointment to Capital Expenditures Committee-Donald Healy

Chairman Belliveau read the request from Donald Healy to be appointed to the Capital Expenditures Committee.

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

VOTED: To recommend that the Town Moderator appoint Donald Healy to the Capital Expenditures Committee at the June 10, 2013 Town Meeting.
Unanimous in favor.

Discuss request for Reappointment as Constable-Danielle Elliot

Chairman Belliveau read the request from Danielle Elliot to be reappointed as a Constable.

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

VOTED: To reappoint Danielle Elliot as Constable with an expiration date of May 15, 2014.
Unanimous in favor.

Discuss request for Reappointment as Constable-Matthew Pauliks

Chairman Belliveau read the request from Matthew Pauliks to be reappointed as a Constable.

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

VOTED: To reappoint Matthew Pauliks as Constable with an expiration date of June 25, 2014.
Unanimous in favor.

Discuss request Change of Manager-Orchid of Hawaii Restaurant

Chairman Belliveau reviewed the request from the Orchid of Hawaii Restaurant for a Change of Manager for their All Alcoholic Beverage License.

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

VOTED: To appoint Susan Ying Lau as Manager for the All Alcoholic Beverage Common Victualler License for Hawaii Corporation, dba Orchid of Hawaii Restaurant.
Unanimous in favor.

Announce Public Workshop on May 28th for the Southcoast Rail Community Priority 5 Year Update

Ms. Garbitt stated that the map had been developed when she, Ms. Grubb, Mr. Zienkiewicz, Nancy Yeatts and Robert Iafrate met with Grant King of SRPEDD to begin the process of updating the 2008 Priority Development designations. She stated a workshop will be scheduled for public input during a posted Planning Board meeting.

Request for Door to Door Sales Permit-Collegiate Entrepreneurs Painting

Chairman Belliveau briefly reviewed the Door to Door Sales Permit request from Collegiate Entrepreneurs to offer painting, staining and power washing services to Lakeville residents. It was asked if a CORI check was run. Ms. Craig stated that she is only allowed to run CORIs for certain licenses and employment. Selectman Burke stated that he was disappointed in the lack of information that the applicant provided, and is not comfortable in granting approval of the request. Selectman Burke added that he would like to review a sample contract to make sure that the townspeople of Lakeville are not being taken advantage of. Looking at the bylaw it indicates that the Town is to investigate the applicant. How is that done with only the application? Ms. Garbitt stated that she believes that Chief Alvilhiera does do background checks. Chairman Belliveau stated that what the applicant provided was all that was requested of him to provide.

Ms. Craig stated that if someone has a State Permit to Peddle, they do not have to have a permit from the Town. They must check in with the Police daily, notifying them of where they will be selling. Mr. Angus will have to provide a copy of his driver's license, where he is living, the car and registration number to the Police Chief. Ms. Craig stated that the larger companies do criminal and drug background checks, however, they don't provide them to the Town. Selectman Powderly stated that he did not mind approving the request; however, maybe the Board should go back and look at this bylaw. Ms. Craig stated that if the Board votes to revise the bylaw, then she would be allowed to perform criminal background checks.

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

VOTED: To issue Nathan S. Angus of Collegiate Entrepreneurs a Door to Door Sales Permit, expiring September 30, 2013, to offer house painting, power washing and

deck staining. Hours of operation shall be Monday through Friday 12:00 PM to 7:00 PM and Saturdays from 11:00 AM to 6:30 PM.
Two in favor, one against (Selectman Burke).

Review and vote to approve Selectmen Meeting Minutes of March 21, 2013

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

VOTED: To approve the Selectmen Meeting Minutes of March 21, 2013 as presented.
Two in favor, one abstention (Selectman Burke).

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

The Minutes were tabled until the next meeting of the Board.

Old Business

Ms. Garbitt stated that a Joint Budget Meeting has been scheduled for after the Override Election on Wednesday, May 22nd and also Thursday, May 23rd with the Finance Committee.

Other Items

1. Letter sent to Secretary Richard Davey regarding Route 44 Rotary
2. Letter sent to Brenna Bowie regarding Lakeville Animal Shelter
3. Middleboro Gazette Article regarding donation to Lakeville Animal Shelter-Carter Krueger of Middleborough
Chairman Belliveau noted the article in the Gazette regarding 12 year old Carter Krueger who asked for donations to be provided to a no-kill animal shelter rather than birthday presents this year. Carter donated his items to the Lakeville Animal Shelter.
4. Letter from Jake Dagoosse of Middleborough regarding donation to Lakeville Animal Shelter
5. Bi-Monthly Sanitary Landfill & Transfer Station Inspection Report
6. Information from Mass DOT regarding Turtle Project-Route 18
Ms. Garbitt stated that this section of the road is among the top ten (10) areas in the State for turtle fatality. A project was proposed by Mass DOT and accepted by Mass DEP to help reduce this from taking place.
7. Notice of upcoming road work-Route 140-Lakeville
The resurfacing work for Route 140 is scheduled to begin on or about June 1, 2013 and is anticipated to be completed by April 17, 2015. Selectman Powderly asked to have Mr. Peck notified in order that some of the grindings can be provided to the Ted Williams Camp for their roads/driveways.
8. Notice of pre-construction conference for road work-Route 140-Lakeville
9. Notice of date and location change for Plymouth County Advisory Board Meeting
10. Notice from MEMA of Hazard Mitigation Grant Program funding

11. Information from SRPEDD regarding “An Act Promoting the Planning and Development of Sustainable Communities”
12. JTPG Meeting Notice – May 1, 2013
13. Regional Economic Strategy Committee Meeting Notice-May 14, 2013
14. Mass Wildlife News
15. Letter from Columbia Gas & Rate Increase Filing Notice
16. Directions Newsletter from Woodard & Curran
17. Newsletter from Retired State, County and Municipal Employees Association of Massachusetts
18. Letter from Comcast regarding Price Adjustment-July 1, 2013
19. Comcast CTV Form 200, Form 300 and Form 400
20. Verizon CTV Form 200 and Form 400
21. Notice from Verizon about programming changes to FiOS

At 10:15 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(2) to discuss strategy in preparation for contract negotiations with non-union personnel, specifically the Police Chief’s contract, and pursuant to M.G.L. c. 30A, §21(6) to consider the purchase, exchange, lease or value of real estate because an open meeting may have a detrimental effect on the negotiating position of the Board.
Polled vote: Selectman Powderly-Aye, Selectman Belliveau-Aye, and Selectman Burke-Aye.