

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
July 15, 2013 - 7:00 PM

On July 15, 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 Water Advisory Committee to discuss recommendations for the Water Enterprise

Sylvester Zienkiewicz, Doug Mills, Jim Gouveia and Joe Urbanski, members of the Water Advisory Committee, were present for the discussion. Mr. Zienkiewicz stated that he has reviewed four (4) years of water bills from the City of Taunton that show that water use is going up slightly. The City of Taunton processes a lot of high quality water at their plant on Elder's Pond. There are many developments and neighborhoods in the Town of Lakeville that could be served with water if they had a distribution pipe. This would be accomplished through a betterment. He stated that the Town Meeting voted four (4) years ago to assess betterments. A betterment is the only way to pay for the expense of installing water lines in the ground. It does not pay for water towers or treatment. If given an option to tie into municipal water, most people do tend to tie in. In a development, the pipes will only go in if a majority of the homeowners in the development agrees to it beforehand. Some towns have betterment bylaws that are better than the Massachusetts bylaws. The most important point is that it requires the majority of the homeowners on the street to agree to it. One way to make it popular is to choose the neighborhood, and the cost and estimate the amount of people that will tie in, and then obtain an engineer to obtain a better cost estimate and ask the residents of the targeted development to vote on it. Mr. Zienkiewicz noted that even non-controversial betterments can easily take two (2) years from idea to water at the tap.

Mr. Zienkiewicz said that the Water Advisory Committee is recommending the following to the Board of Selectmen, acting as the Water Commissioners:

- Finish the Intermunicipal Agreement with Taunton so that residents of developments can be approached with the idea of tying into Taunton Water and the estimated costs;
- Draft, hold hearings, and adopt at Town Meeting a Local Betterment By-Law;
- Elect a separate Water Commission following State Law, keeping in mind that officials that serve on other property rights Boards (Planning, Appeals, Health, etc.) would have conflicts, and may not be able to serve on a Water Commission.

Chairman Belliveau stated that when the Board met in June, discussion occurred regarding installing water pipes down several roads scheduled for paving (Carriage House Drive, Paddock Hill Drive, and Surrey Drive). Mr. Mills suggested sending the residents in those developments a survey to find out if they are interested in tying into Taunton Water. A ten (10") inch main

could be put in with hydrants every 100'. The area is basically a mile. Selectman Burke mentioned that the Town still needs to enact a bylaw change for friendly betterments. Chairman Belliveau asked if the charge for the Water Advisory Committee should be revised to work on the betterment issue and the development of new customers. Mr. Zienkiewicz stated that there would be a good amount of work, which deserves a separate appointed board. He would be unable to serve on it, since he is on the Planning Board. Chairman Belliveau stated that by State Statute, it would have to be an Elected Board. The Town does not have an election coming up for a while. There may be a Special Town Meeting in the fall, so the Betterment Bylaw could be placed on that warrant. However, he felt that, at least, the survey for the residents should take place on Carriage House Drive and Surrey Drive.

Ms. Garbitt stated that the first question a resident in the development will ask is how much is it going to cost. We need to develop a cost ahead of time. Mr. Zienkiewicz responded that an estimate on the cost of the pipes can be done, but how much the water will cost and hook-up is not known since the old IMA is still in place with the City of Taunton. The Water Advisory Committee can continue, if they are provided with a chart on what to do in moving forward with taking a survey. The survey should be done on Carriage House Drive, Paddock Hill Drive, and Surrey Drive. Chairman Belliveau responded that the Water Advisory Committee should prepare a letter to go to those residents. Mr. Mills stated that once the interest is gathered from those residents, the rest should become easier. If someone does not want to tie in, a stub can still be installed in the event that they eventually want to tie in or the next owner wants to tie in. Selectman Powderly added that although an exact amount is not known at this time, residents can be asked if they would be willing to pay in the range of \$20,000 over a span of time, plus water costs in order to be connected to Town water. Mr. Zienkiewicz stated that if this works out, the Town can move forward to something more ambitious such as water for the four (4) corners and putting in some loops. The next betterments should look a lot better than the first one. Chairman Belliveau stated that the Water Advisory Committee's charge should be revised, and then they can continue forward with developing other areas in Town. Ms. Garbitt pointed out that "develop a plan to market expansion of customer base and plan for expansion of water system" is already the third bullet in their charge. Selectman Burke stated that this would be contingent on if the majority of the people want to hook up to water in the area that you are looking at. Chairman Belliveau asked the Water Advisory Committee to start working on a friendly Water Betterment Bylaw. Mr. Zienkiewicz responded that they would.

Discuss appointing an Interim Building Inspector/Building Commissioner

Chairman Belliveau stated that the Assistant Building Inspector, Nathan Darling, has been doing the inspections, reviewing permits, meeting with contractors and residents to answer questions since Mr. Iafrate resigned. However, Mr. Darling has no authority to address any of the zoning issues that have come before him. An Interim Building Commissioner would be able to administer the Town's zoning by-law. The Board needs to decide whether to appoint an Interim Building Inspector/Building Commissioner. The person must, at a minimum, be certified as a Local Inspector. Ms. Garbitt stated that Mr. Darling has been presented with quite a few zoning issues that he does not have the authority to make a decision on.

Chairman Belliveau stated that the Town has not even set an hourly rate for Mr. Darling. Selectman Burke stated that Mr. Darling is doing the job of the Building Commissioner since the Town cannot close the Building Department. The Board needs to determine an hourly rate with Mr. Darling, and provide him with authority to do the job. The Board can still discuss the topic on July 29th about the search for a new Building Commissioner. Ms. Garbitt stated that Mr. Darling is in the office at some point during the day most days. The Administrative Assistant calls him at home when there are questions that she is unable to answer. Right now he is being paid based on the inspections that he does. Chairman Belliveau asked how many hours Mr. Darling was working. Ms. Garbitt responded at least 20. She added that if the Board came up with an hourly rate for Mr. Darling, inspections would not be added on top of that. Selectman Powderly stated that he didn't mind paying him for inspections and then an hourly fee on top of that. He could work up to 6 hours a day or 30 hours a week, or it could be less. Chairman Belliveau asked if the Board should give Mr. Darling flexibility to the work hours or specify the hours. Ms. Garbitt felt that allowing 20-30 hours a week would be appropriate. Further discussion took place regarding what the hourly rate should be.

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

VOTED: To pay Nathan Darling, Assistant Building Inspector, an hourly rate of \$25 per hour for 20-30 hours a week as the Interim Building Commissioner until the Town hires a Building Commissioner.
Unanimous in favor.

Vote to approve Wage Scale for FY14, effective July 1, 2013

Ms. Garbitt stated that the Board needs to approve the Wage Scales for FY14 effective July 1, 2013. The Wage Scale includes the 1% raise.

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

VOTED: To approve the Wage Scale for FY14, effective July 1, 2013.
Unanimous in favor.

Vote to rescind the Special Municipal Employee Designation votes from March 27, 2003 through May 7, 2013

Ms. Garbitt stated that in the past, the Board of Selectmen, under MGL Chapter 268A, Section 20, has appointed Special Municipal Employees. This is done when a Board, Committee or Commission has a member that is a Town employee. That entire Board, Committee or Commission must be appointed as Special Municipal Employees. Since the last appointment of Special Municipal Employees, some of the members have retired from their Town employment, and their Board, Committee or Commission does not need the designation any longer. The most appropriate way to resolve this is for the Board to vote to rescind any of its votes between March 27, 2003 through May 7, 2013 designating any Board, Committee or Commission as a Special Municipal Employee.

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

VOTED: To rescind the Special Municipal Employee Designation votes from March 27, 2003 through May 7, 2013.
Unanimous in favor.

Vote to designate a new list of Special Municipal Employees

Ms. Garbitt stated that new appointments of Special Municipal Employees were necessary due to membership changes or creation of various Boards, Committees or Commission.

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

VOTED: To designate as Special Municipal Employees the following Boards, Committees or Commissions: Zoning Board of Appeals, Board of Registrars, Board of Health, Energy Advisory Committee, Master Plan Implementation Committee, Park Commission, Freetown/Lakeville Regional School Committee, Water Advisory Committee, Ted Williams Commissary Renovation Commission and the Building Feasibility Review Study Committee.
Unanimous in favor.

Discuss request from Frank Sterrett to conduct a survey of residential property owners on Route 18 regarding the rezoning proposed at the Annual Town Meeting

Ms. Garbitt stated that Frank Sterrett is asking that the Selectmen perform a survey of residential property owners on Route 18 regarding the rezoning warrant article proposed at the Annual Town Meeting. Chairman Belliveau stated that this should be directed to the Planning Board. The matter was voted down, and if it is to resurface again, it has to be done through the Planning Board. Ms. Garbitt stated that she will forward this to the Planning Board's Secretary. She will notify Mr. Sterrett of the Selectmen's vote.

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

VOTED: To forward the request by Frank Sterrett to conduct a survey of residential property owners on Route 18 regarding the rezoning warrant article proposed at the Annual Town Meeting to the Planning Board.
Unanimous in favor.

Review and discuss the Priority List for the Board of Selectmen for FY14

The Board reviewed the Selectmen's Priority List for FY14. Selectman Powderly stated that there is a big difference to him on repairs and improvements. If something needs to be repaired, it should be addressed; otherwise it should be reduced to a lower priority. The "amend storage trailer bylaw" should be removed since it failed at Town Meeting. Ms. Garbitt noted that each year she is required to do a survey regarding housing in the Town and report the status of the Housing Authority. The Town has to report why it is not being done, which is a matter of

funding at this time. At some point the Town will have to move forward with establishing an Affordable Housing Trust. The Town does not have a Board of Trustees, however, there is an account set up with some trust funds. Chairman Belliveau stated that the sidewalk for Fern Avenue to the Senior Center and from the Senior Center to the Library should be a low priority, not a medium priority. The Fire and Police Station Design should be a low priority. Chairman Belliveau stated that the water line for the Route 105 loop can be removed.

Ms. Garbitt stated that the Town had been looking into updating the Earth Removal Bylaw as suggested by former Selectman Derek Maksy. That item could be removed. Ms. Craig stated that there is no mechanism in the current bylaw to enforce payment. The Town charges an administrative fee per acre, but the person is not obligated to pay for earth removal fees until their permit expires or the project is completed. It is difficult to determine if the Town is getting paid for what is being removed. Though the Town receives the as-built, there is no audit done of the site for verification. Maybe some research can be done to determine how other Towns charge for earth removal. Sometimes it is six (6) to twelve (12) months before the Town finds out if a project is completed. Ms. Garbitt stated that Town Counsel has said that a rewording of the bylaw is needed. We have collected samples from other Towns, but it has remained inactive. Selectman Burke stated that he would work on updating the Earth Removal Bylaw.

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

VOTED: To approve the Priority List for FY14 with the changes as discussed.
Unanimous in favor.

Discuss request from Matthew Comeau to reconsider decision on the proposed road cut for Columbia Gas – 3 Bridge Street

Matthew Comeau was present for the discussion. Chairman Belliveau explained that the Board discussed this matter on June 24th. It was hoped that Columbia Gas could drill underneath the road, since it was just paved last October. Mr. Comeau bought the property in August of 2013 and moved into the house in September. He was aware that there was natural gas on the street, but residents received notice that the road was being paved the day before it happened. Mr. Comeau stated that he would like to hook up to greener domestic fuel. Chairman Belliveau asked if the Town has an official moratorium on opening up streets that have been recently paved. Ms. Garbitt responded that it has not been allowed in a long time. Selectman Burke stated that the gas main is approximately two (2) feet into the road. Mr. Comeau stated that the gas main is on his side of the street. Even if they tunnel under the road, they have to get above the pipe to put the bracket on, then they have to fill and compact the area. Ms. Craig stated that the area they are going to cut is where the tractor trailers drive, which was a concern of the previous Superintendent of Streets.

Selectman Powderly stated that Columbia Gas would have to use flowable fill, then concrete and pave over it. The Town should ask for an increase to the bond since the present bond amount of \$2,500 is not enough to fix a road if it caves in. Chairman Belliveau noted he is opposed to cutting into any newly paved road. Selectman Powderly noted that as long as they are going to come back and fix it, the increased bond would cover any costs. Selectman

Powderly stated that he also did not mind if the Board opted to say no. He suggested increasing the bond to \$10,000. Chairman Belliveau stated that the Board could make it a condition. Chairman Belliveau stated that the Board should require flowable fill like Mr. Peck had suggested. It is not sure though if they increased the bond for that. The bond is kept on file for any connections but for this it should be a \$10,000 bond. Selectman Powderly stated that if they are confident that they won't have to spend the bond, then they won't object to the amount.

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

VOTED: To approve the Road Cut Permit for Columbia Gas in front of 3 Bridge Street for the purpose of tying into natural gas service with the following conditions: the trench must be filled with excavable controlled density fill, then blacktopped to the existing top pavement level and to increase the bond from \$2,500 to \$10,000. Unanimous in favor.

Discuss letter from Susan Bissonette regarding request to grade Loon Pond Road

Ms. Garbitt stated that the Interim Superintendent of Streets inspected the road, and there are some deep potholes. Mr. Peck had previously noted that it is a private road, and he was concerned about setting a precedent. Chairman Belliveau stated that though the Board sympathizes with their situation, it is a private road and the Board cannot authorize the grading.

Request for Door to Door Sales Permit-Spectrum Global Communications

Ms. Garbitt stated that the Town has a bylaw which allows Door to Door Sales. Selectman Powderly stated that the company stated that they perform background checks on employees. Ms. Craig stated that if a vendor has a State License to Peddle, they do not need permission from the Town.

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

VOTED: To grant the Door to Door Sales Permit to Spectrum Global Communications on Mondays through Saturdays from 10:00 AM to 6:00 PM. No sales are allowed on Sundays and Holidays. One (1) in favor, Two (2) Against.

Discuss request from Sun Multisport Events to hold the Annual Cranberry Trifest on August 24, 2013 and August 25, 2013

Chairman Belliveau read the request from Sun Multisport Events to hold the Annual Cranberry Trifest on August 24th and August 25, 2013 at the Ted Williams Camp.

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

VOTED: To approve the request for Sun Multisport Events to hold its Annual Cranberry Trifest on August 24, 2013 and August 25, 2013.
Unanimous in favor.

Discuss renewal of 1 Fern Avenue Permit for Unregistered/Ungaraged Vehicles

Ms. Garbitt stated that the permit to store Unregistered/Ungaraged Vehicles at 1 Fern Avenue has expired. Mr. Darling has reviewed the conditions and they are in compliance.

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

VOTED: To renew the Permit to Store Unregistered/Ungaraged Vehicles at 1 Fern Avenue through June 7, 2014.
Unanimous in favor.

Discuss request for reappointment as Constable – Ian Daley

Chairman Belliveau read the request from Ian Daley to be reappointed as a Constable for Lakeville.

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

VOTED: To approve the reappointment of Ian Daley as Constable with an expiration date of July 25, 2014.
Unanimous in favor.

Schedule meeting dates for August, September and October

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

VOTED: To approve the following dates for Board of Selectmen meetings: August 12 and August 26, September 9 and September 23, and October 7 and October 21, 2013.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of July 10, 2013

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

VOTED: To approve the Selectmen Meeting Minutes of July 10, 2013 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of May 22, 2013, June 3, 2013 and June 24, 2013

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

VOTED: To approve the following Executive Session Meeting Minutes of the Selectmen:
May 22, 2013, June 3, 2013 and June 24, 2013 as presented.
Unanimous in favor.

Old Business

Ms. Garbitt stated that the bids were opened for the lighting replacement project under the Green Communities Grant. The low bidder was Sparks Company, Inc., however, a clerical error was made on their bid, and they have withdrawn it. The second lowest bidder is MV Electrical. Ms. Garbitt stated that she would like the Board to award the bid to MV Electrical, since the project needs to be done prior to school opening in September. Ms. Craig stated that the bid from MV Electrical is \$52,301

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

VOTED: To rescind the vote taken on July 10, 2013 to award Sparks Company, Inc. the contract for the lighting replacement project.
Unanimous in favor.

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

VOTED: To award the lighting replacement project bid to MV Electrical as the low bidder.
Unanimous in favor.

Other Items

1. Announce 10th Anniversary Celebration of the Senior Center Building
Selectman Powderly stated that the Senior Center will have a small dedication ceremony at 1:00 PM on Saturday, July 20th. There will be a tour of the building and grounds and the GATRA van from 10:00 AM to 2:00 PM that day. Coffee and muffins will be available throughout the day. There will also be a hot dog lunch between 11:00 AM and 12:00 PM for \$2.00.
2. Thank you letter from Patricia MacLeod regarding Animal Control Officer
3. Letter from Assistant Building Inspector regarding update on 40 Taunton Street
4. Letter from Assistant Building Inspector regarding update on 33 Myricks Street
5. Memo from Board of Health regarding Revised Seasonal Cottages and Year Round Conversions
6. Memo to Interim Superintendent of Schools regarding FY14 Insurance Premium for Assawompset Elementary School
7. Copy of press release regarding Vigers' Conservation Area Future Plans

8. Copy of Annual Report to the Secretary of Administration and Finance regarding Health Insurance Plans
9. Letter from FEMA regarding Nemasket River Study Data-Bathymetric Survey
10. Letter from Executive Office of Energy and Environmental Affairs notifying the Town that the Open Space Plan has been approved
11. Letter from Department of Public Health regarding intern for Board of Health
12. Letter from Architectural Access Board regarding LeBaron Hill Country Club
13. Invitation to attend Summer Reception for State Senator Michael J. Rodrigues
14. Notice from Commonwealth regarding Commonwealth Connect Program
15. Notice from DCAM regarding search for Lease Space
16. Notice from Board of Library Commissioners regarding 2013-2014 Planning & Design Grant Round
17. Letter from MEMA regarding Hazard Mitigation Grant Program Application
18. Letter from Department of Housing & Community Development regarding Multi Family Housing
19. MassWildlife News
20. Notice from Blue Cross/Blue Shield
21. Notice from Verizon regarding Price Increases
22. Memo from Board of Health Chairman regarding Union negotiations
23. Letter from Deborah Williams from Pound Hounds regarding the success of Lakeville Animal Shelter's Adoption and Spay/Neuter Program

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

VOTED: To adjourn the Selectmen's Meeting at 8:58 PM
Unanimous in favor.