

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**July 29, 2015 – 6:30 PM**

On July 29, 2015, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Burke at 6:30 PM. Selectmen present were: Selectman Burke, Selectman Powderly and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette was recording the meeting along with LakeCAM for local television broadcast.

The Finance Committee called their meeting to order at 7:03 PM. In attendance were: Michael Petruzzo, George Vlahopolous and Joseph Flemming.

**7:00 PM Meet with Finance Committee and candidates to fill vacancy on Finance Committee**

Chairman Burke stated that Donald Healy and Daniel Holland both submitted letters of interest for the vacancy on the Finance Committee. Mr. Healy was unable to attend the meeting this evening, but Mr. Holland was present.

Mr. Holland stated that he had moved to Lakeville several years ago. He has not yet been involved at a government level in the Town. He stated that he is interested in being more active with the Town, to help see it progress, and spend its funds wisely. Mr. Holland does not work in a finance function. However, the company that he works at requires Administration to work with the Finance Department and clients for helping them to make wise decisions on products that they buy. He graduated from Assumption College in 2002 with a Bachelor of Arts degree, with History as his major and Business as his minor. He had worked with Fidelity Investments for about 5 ½ years and now works at Mercer in Norwood.

Upon a motion made by Mr. Flemming; seconded by Mr. Vlahopolous it was:

VOTED: To appoint Daniel Holland to the Finance Committee.  
Unanimous in favor.

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

VOTED: To appoint Daniel Holland to the Finance Committee with a term to expire on April 4, 2016.  
Unanimous in favor.

Upon a motion made by Mr. Vlahopoulos; seconded by Mr. Flemming it was:

VOTED: To adjourn the Finance Committee at 7:12 PM.  
Unanimous in favor.

**7:15 PM Meet with Courtney Tilton regarding being appointed a Zoning Board of Appeals Associate Member**

*Courtney Tilton was present for the discussion.* Chairman Burke said that Ms. Tilton had provided a letter of interest to be appointed as an Associate Member to the Zoning Board of Appeals. The Board has received a recommendation from the Zoning Board of Appeals Chairman recommending her appointment. Ms. Garbitt stated that Ms. Tilton has been attending the meetings over the past few months.

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

VOTED: To appoint Courtney Tilton to the Zoning Board of Appeals as an Associate Member with a term to expire July 31, 2016.  
Unanimous in favor.

**7:30 PM Meet with candidates to fill upcoming vacancies on the Conservation Commission: Mark Knox, Katherine Robinson and John LeBlanc**

*Martha Schroeder, Linda Grubb, Joseph Chamberlain and Robert Bouchard were present from the Conservation Commission.* Chairman Burke explained that three (3) letters of interest were received for the two (2) vacancies on the Conservation Commission from John LeBlanc, Mark Knox, and Katherine Robinson initially. A fourth letter of interest was received from Sarah Kulakovich today, but since it was not within the published deadline, he did not feel that the Selectmen should consider it. Ms. Grubb mentioned that Ms. Kulakovich is presently an Associate Member on the Conservation Committee. Selectman Powderly suggested that maybe the Commission would like to change their recommendation in light of Ms. Kulakovich's interest letter. Chairman Burke stated that in his mind it is too late; however, the BOS could table this matter and let the Commission meet and discuss what they would like to do. Nevertheless, it is not fair to the new applicants. Selectman Hollenbeck stated that the Selectmen have a policy on appointments and first consideration should be given to Associate Members. If Ms. Kulakovich's letter was there originally during the process then it would be considered, but the time period has lapsed.

Chairman Burke asked Mr. Bouchard if the Commission would like to consider Ms. Kulakovich's letter. Chairman Bouchard responded their next meeting is on August 11, 2015. He would prefer to get the entire Commission's input than to speak for them. He added that he would like to consider Ms. Kulakovich's letter, since he was not able to speak to her personally about her interest. There is also some question as to just how many openings there are on the Conservation Commission. Chairman Burke stated that Mr. Bouchard was up for reappointment and there were two (2) vacancies. Selectman Powderly stated that he would like to speak with Ms. Robinson and Mr. Knox this evening, since they are both present.

Selectman Hollenbeck asked what happens if the Selectmen did not make appointments this evening. Chairman Burke responded that Mr. Bouchard continues as a member until the Selectmen appoint someone else. Ms. Grubb and Mr. Trahan would also continue to serve as members. Ms. Grubb stated that she had not resigned from the Commission, but did not seek to

be reappointed. Chairman Burke stated that everyone would remain on the Commission until appointments are made to fill the positions. The Conservation Commission can still function. Anyone that did not resign is a hold over appointment that would not expire until a new appointment is made. Ms. Craig stated that the Town Clerk said that if the members whose appointments have expired do not get sworn in, they cannot vote since they do not have a valid appointment.

Chairman Burke added that another thing that had been discussed is changing the number of members on the Commission. This would allow for a faster meeting, a smaller quorum from an applicant's perspective, and streamline the process. That is a discussion to have during another meeting. It has been found out that any change to the Commission has to be done through Town Meeting. So this would be long term and not done immediately. Chairman Burke thought one appointment should be made tonight. Ms. Craig noted that Ms. Kulakovich's Associate Member appointment expires on July 31, 2015.

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

VOTED: To appoint Robert Bouchard to the Conservation Commission with a term to expire July 31, 2018.  
Unanimous in favor.

Chairman Burke asked Mark Knox for a brief background. Mr. Knox introduced himself and stated that he had grown up in Lakeville. He likes the Town and feels that he can give something back to the Commission. He is an avid sportsman, runs a business in Town, has raised his kids in Town, and has good intentions about what he would do. He has sat on the other side of the table as an applicant and understands that side of it.

Ms. Robinson then was asked to provide some background on herself. Ms. Robinson stated that she has been a resident in Lakeville for five (5) years. She has two (2) children, ages four (4) years and five (5) months. Her education was in environmental science with a focus on hydrology and wetlands. She has done a shell fish restoration project and has taken courses on Conservation. Presently she is a stay at home mom, however, she wants to be more involved with the community and feels that her skills could be a benefit to the Board and Applicants. She stated that she is excited to be on that side of the table and is looking forward to it. Selectman Hollenbeck asked if any of the applicants had any scheduling issues. Chairman Bouchard explained that the Commission typically meets the second Tuesday of the month and, if necessary, the fourth Tuesday as well. There were no conflicts with the two (2) applicants.

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

VOTED: To table the appointment of the vacant positions on the Conservation Commission until the August 12, 2015 meeting of the Board.  
Unanimous in favor.

Chairman Burke stated that there is a section under the Wetland Protection Act explaining that a quorum is how many people are on the Commission at a time. Right now there are five (5)

members. Anything that the Commission does relative to the Wetlands Protection Act takes only three (3) people and the decision sticks. If the Commission is operating with five (5) members and votes on something that is administrative, that could be questioned of being valid, if they did not have a quorum, a quorum less than the total seven (7).

Ms. Schroeder stated that Legal Counsel said that the Commission could function with Ms. Grubb and Mr. Trahan as hold overs, so they will be considered members until others are appointed. Chairman Burke added that any decisions made could be subject to question. That is why Mr. Bouchard was appointed tonight, since then there are five (5) members and if three (3) make a decision then it is “bullet proof” procedurally. Mr. Chamberlain stated that he has been on the Conservation Commission about 38 years. Until this past winter when there was snow up to our armpits, there were no quorum issues.

### **Review and Vote on Annual Appointments for the Conservation Commission**

This matter was included in the above discussion.

### **Discuss the Conservation Commission’s Policy regarding a 25 foot “no touch” buffer zone**

Chairman Burke stated that he would like to meet with the Conservation Commission to discuss their 25’ “no-touch” buffer zone policy. Chairman Burke has met with Mr. Bouchard to discuss the policy, as well as, speaking and receiving information on the topic from Town Counsel. The expectation is to address the Conservation Commission on this matter and to obtain their input on how to best to deal with it. Selectman Hollenbeck stated that she has also heard some points about the topic and would like to know what the concerns and problems are with it. Ms. Garbitt stated that she has coordinated with Mr. Bouchard for a meeting to take place with the Conservation Commission on August 12, 2015. The Conservation Commission will attend the Selectmen’s Meeting to discuss the topic. Chairman Bouchard stated that some information had been put together in advance to review and provided it to the Board. Selectman Powderly stated that the Building Commissioner, Nate Darling, will also be in attendance, since he is somewhat responsible for the Conservation Agent.

### **Meet with Jeremy Peck to discuss the following items:**

#### **1. Draft Report from DEP for Technical Support for the Transfer Station**

*Jeremy Peck, Superintendent of Streets was present for the discussion.* Mr. Peck explained that he has been provided with the draft report from the Department of Environmental Protection and he has reviewed it with Ms. Garbitt. He is looking to finalize it and wants to make sure that the Selectmen have been provided with the draft report and have an understanding of what it will cover. Kathy Mirza is open for any comments to include into the final report. It is a thorough report and provides good recommendations for the Town. Ms. Mirza will put in 60 hours for calendar year 2015 for the work that she did to compile the draft report. Ms. Mirza had met with us months ago to discuss what she needed. She was provided with many budget reports, which she analyzed, along with information about how many households there were in Town that the Transfer Station served, what the tonnage amounts were on a periodic basis, etc. Ms. Mirza

conducted a site visit to the Transfer Station and was very impressed with its cleanliness and how it is being operated. It was the consensus of the Selectmen to approve Ms. Mirza to finalize the Draft Report from DEP for Technical Support for the Transfer Station.

## **2. Discuss the revised Curb Cut Regulations**

*Jeremy Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck stated that he had met with the Planning Board and spoke with them about potentially removing them from the Curb Cut process, yet keeping them informed of anything that takes place. The Planning Board was in favor of this, so the Curb Cut applications will be approved and signed by the Superintendent of Streets, then provided to the Selectmen's Office.

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

VOTED: To adopt the revised Town of Lakeville Regulations for Residential and Business Driveways and Curb Cuts under the Town Curb Cut General By-Law.  
Unanimous in favor.

## **3. Review Sitec Contract for Landfill monitoring**

*Jeremy Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck explained that there had been a lot of back and forth about the fees associated with the monitoring. Ms. Garbitt had researched the history of the Landfill Monitoring and the costs associated with it from when it began back to the 1990's. She found the original consent order and looked at how it had been budgeted over the past few years. This will be an 18 month contract. Task 3 costs \$1,500 and that is essentially done by a third party filing inspections. Sitec was asked to put in an application with DEP to lessen the monitoring, due to the fact that there have been no issues there for the past few years. It is hoped to spend less money on monitoring going forward. Selectman Powderly asked if the \$32,000 will continue for "our" life time. Mr. Peck explained that the idea was for a 30 year monitoring, then reducing it to minimum monitoring after that. It is not known what the requirement will be as it progresses. It is an ongoing responsibility. Selectman Powderly asked what the most favorable amount should be budgeting purposes. Ms. Garbitt suggested that it remain at \$20,000 per year due to their monitoring cycle process.

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

VOTED: To approve the Agreement for Professional Engineering Services between the Town of Lakeville and Sitec Environmental, Inc. and to authorize the Chairman to sign the Agreement.  
Unanimous in favor.

## **4. Discuss Weston & Sampson contract regarding the Highway Department Facility Study**

*Jeremy Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck referred to the abbreviated Highway Study, which is hoped to take place by Weston and Sampson to look the possibility of future expansion at the Highway Department, and if it is

the best place for it to be. This matter has been a topic of discussion in the past. Recently there has been discussion about putting up a Salt Shed and making sure that it is set into the appropriate location. Ms. Garbitt stated that Town Counsel has reviewed the contract that is before the Selectmen and made some minor changes. Chairman Burke stated that the changes made seemed reasonable. Ms. Garbitt further added that the funding for the study has been encumbered in this year's budget by Mr. Peck. The funds will come from the FY15 budget, and part of the cost will also be funded by the insurance reimbursement from when the salt canopy was destroyed during the second major snow storm. The salt canopy had been fairly new. Mr. Peck is looking to put a semi-permanent structure there which would be metal, and that means that there is a significant cost increase. Mr. Peck has encumbered \$10,000 for Maintenance. He would like to use \$5,000 in repairs and put the rest towards this canopy. The cost of the structure is approximately \$13,000-\$14,000. It will be movable; however, there will be precast concrete blocks in place to anchor it.

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

VOTED: To approve the Agreement for Engineering Services by and between the Town of Lakeville, Massachusetts and Weston & Sampson Engineers, Inc., and to authorize the Chairman to sign the agreement.  
Unanimous in favor.

##### **5. Review and vote on Revised Job Description for the Transfer Station Lead Operator at the Transfer Station**

*Jeremy Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck explained that he made revisions to the job description for the Lead Operator at the Transfer Station for when Ed Kazlowski retires in a few weeks. He has included a Class 1 D restriction for the forklift that is used at the Transfer Station. He is also looking to obtain someone who has knowledge of using computers and Microsoft Office. Mr. Peck then spoke on the Draft Report from DEP for Technical Support for the Transfer Station. Kathy Mirza is the Regional Municipal Assistance Coordinator. In her report she spoke about tracking the materials. It is hoped that the Department will do a better job tracking materials. Mr. Peck explained that the scheduled hours for this position have been changed from Tuesday to Saturday to Monday through Friday. This will eliminate a part-time roll off truck driver and change the run for during the week. The part-timers that work at the Transfer Station on Saturday are able to handle the traffic that takes place on Saturdays. They have been with the Department for many years and are very experienced. Also, when the applicant is interviewed for the position, they will be asked if they are available on Saturdays, so that maybe they could go down and remove brush, etc. However, they would not be on call as part of the position, and it would not be every week. It would be during spring time when it is really busy. Mr. Kazlowski is looking to work just two (2) days a week.

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

VOTED: To approve the revised Transfer Station Lead Operator Job Description as presented.  
Unanimous in favor.

### **Review and vote on new Job Description for Part Time Clerk – Park Department**

Chairman Burke stated that the Park Commission has requested that the Board of Selectmen, acting as the Wage & Personnel Board, approve a job description for a Part-time Clerk. In the Park Commission's budget, they reduced the wages for the Events Coordinator/Park Department Assistant by \$7,000, and they budgeted \$6,500 for this new position. The new Part-time Clerk will prepare agendas, post meetings, attend the Park Commission Meetings, etc. Selectman Hollenbeck stated that her concern was that this appears to be a new position that was not discussed during budget conversations with the Park Commission. The Selectmen were trying to identify the needs with the Park Department, and this had not been mentioned. Selectman Powderly stated that he had thought that the Selectmen would be increasing the Events Coordinator's hours, not reducing them. Ms. Garbitt stated that at a budget meetings, they did mention a need for a secretary. Selectman Hollenbeck explained that she did not have a problem with the position, provided that it is not adding a benefit eligible position and that it is being done at a lower pay rate. During the budget discussions, the Selectmen had been keeping track of all the additional hires and this one could have been a split position. Ms. Garbitt explained that possibly the time frame was what made this position different.

Chairman Burke stated that if the Park Commission feels that this is the direction that they would like to proceed, and that they want to use their resources for this purpose, he did not necessarily disagree. Ms. Garbitt added that the secretaries in the secretarial pool do not prepare the agendas, except for the ZBA, and this person would prepare the agenda for the Park Commission Meetings. Selectman Powderly stated that he would like to make sure that the Events Coordinator is able to remain focused on the bookings for the Park Department in order to continue to bring in additional funds. Selectman Hollenbeck asked that Ms. Garbitt review the amount and the hours since the figures appear to be a bit off.

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

VOTED: To table this matter until the next meeting.  
Unanimous in favor.

### **Request from Town Clerk to appoint Election Officers**

Chairman Burke stated that a request had been received from the Town Clerk for the Selectmen to make the annual appointments of the Election Officers.

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

VOTED: To appoint the following as Election Officers with terms to expire August 15, 2016: Pauline Ashley; Donald J. Bernier, Jr.; Marion Bollesen; Lynn C. Costa; Eleanor Gamache; James Gouveia, Jr.; Rita M. Gouveia; Kenneth Grillo; Shirley L. Healey; Judy J. Roberts; Catherine T. Sankus; Marilyn W. O'Shea; Theresa P. Walsh; Arlene N. Wood; Frederick C. Beal; Evelyn C. Bumpus; Deborah L. Danforth; Melissa Fitzgerald; Marilyn Hunt; Beverly Ingraham; Julie E. Ketler; Mitchell Plonka; Janet L. Tracy; Stephanie Annichiarico; Robert Brady; Margaret M. Caron; Joseph Chamberlain; JoAnn K. Chuippi; Joanne Corrieri-Upham; Michelle Y. Darling; Jean Douillette; Jonathan A. Drane; Gail Evirs; Patrick R. Fitzgerald; Mary Fronzaglia; Denise C. Fulton; Michael W. Fulton; Melanie C. Goldstein; Margaret Gross; Mary E. Guertin; Susan E. Johnson; Francis B. Kenney, IV; Karen A. Keohane; Susan Lynch; Kristen Main; Gary E. Mansfield; Robert W. Marshall; Debra L. Martin; Kathy A. Medeiros; Joan Morton; Joan E. Newcomb; Mary E. Sylvia; and Joanne N. West.  
Unanimous in favor.

**Request from Police Chief to appoint Andrew Sederquist as Police Officer/Constable**

Chairman Burke stated that the Police Chief has requested the appointment of Andrew Sederquist as a Police Officer/Constable.

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

VOTED: To appoint Andrew Sederquist as Police Officer/Constable with an appointment that would expire July 31, 2016, subject to a one year probation period.  
Unanimous in favor.

**Request from Sarah Kulakovich to be appointed to the Open Space Committee**

Chairman Burke explained that there will be a vacancy on the Open Space Committee in August. A letter has been received from Sarah Kulakovich asking to be appointed to the Open Space Committee. He felt the Board should hold her letter and advertise the opening on the Open Space Committee and go through the typical process of soliciting interested applicants. It was the consensus of the Board that the opening will be advertised in the Middleboro Gazette and on the Town's website.

**Discuss amending the Charge of the Energy Advisory Committee**

Chairman Burke stated that Donald Foster is the Representative for the Open Space Committee to the Energy Advisory Committee. However, he will no longer be on the Open Space Committee. Mr. Foster would like to remain on the Energy Advisory Committee. Selectman Powderly stated that basically it is the Open Space Committee who would need to determine who they want to serve as their representative on the Open Space Committee.

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

VOTED: To table the discussion of amending the Charge of the Energy Advisory Committee.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes of May 13, 2015 and July 7, 2015**

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

VOTED: To approve the Board of Selectmen Meeting Minutes of May 13, 2015 and July 7, 2015 as presented.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of July 14, 2015**

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

VOTED: To approve the Executive Session Meeting Minutes of July 14, 2015 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt noted that a position had been omitted when the Selectmen made their annual appointments at the last meeting.

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

VOTED: To appoint Linda Grubb to the Southeast Massachusetts Commuter Rail Task Force with a term to expire July 31, 2016.  
Unanimous in favor.

Ms. Garbitt stated that a request had been received from the Back Nine Club for an Outdoor Entertainment Permit for August 8<sup>th</sup>. She said that the Selectmen will not be meeting again until August 12, 2015, so perhaps the Selectmen could hold an additional meeting next week. This matter should be on a posted meeting to allow for the neighbors to be aware and provide input to the Board. Chairman Burke stated that he would like it conveyed to the applicant that the Selectmen did schedule a meeting specifically for their request. Ms. Craig explained that they are aware of the fact that two (2) weeks advance notice is necessary for any requests. They have recently gone through a Manager change and this may have not been relayed to the new Manager. It was the consensus of the Selectmen to meet prior to the Regional School Committee meeting on Monday, August 3, 2015 for this matter.

Ms. Garbitt provided an update regarding the Special Legislation on the sale of the Water Tower. Senator Pacheco's aide has contacted her and now has the certified votes from both Town meetings.

**Other Items**

1. Memo from Cemetery Commission to Jeremy Peck regarding various cemetery matters
2. Letter from Governor's Office regarding FY15 Supplemental Budget Bill
3. Letter from FEMA regarding Revalidation 2 of the FEMA Floodplain Maps
4. Letter from Coalition for Responsible Retailing
5. Letter from Xfinity regarding upcoming changes

At 8:10 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To enter into Executive Session and not return to Open Session pursuant to M.G.L. c. 30A, subsection 21a(3) to discuss strategy with respect to collective bargaining, specifically the Police Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared.

Polled vote of: Selectman Burke – aye, Selectman Hollenbeck – aye and Selectman Powderly - aye.

### **List of Documents Provided at the Selectmen's Meeting (July 29, 2015)**

1. Letters of interest from Don Healy and Dan Holland to be appointed to the Finance Committee
2. Letter of interest from Courtney Tilton and vote of the ZBA to appoint her to the ZBA as an Associate Member
3. Letters of interest from John LeBlanc, Mark Knox and Katherine Robinson-Goodrow to be appointed to the Conservation Commission.
4. General Laws Chapter 40 section 8C Powers and Duties of Cities and Towns, Conservation Commission: establishment; powers and duties.
5. Draft report from DEP for Technical Assistance for the Transfer Station
6. Revised Curb Cut Regulations
7. SITEC Contract for Landfill Monitoring
8. Weston & Sampson contract regarding the Highway Department Facility Study
9. Revised Job Description for the Transfer Station Lead Operator
10. New job description for part-time clerk for the park department
11. FY16 wage scale
12. Request from town clerk to appoint election officers
13. Request from Police Chief to appoint Andrew Sederquist to Police Officer
14. Request from Sarah Kulakovich to be appointed to the Open Space Committee
15. Energy Advisory Committee Charge last amended March 24, 2014
16. Selectmen meeting minutes of May 13, 2015, and July 7, 2015.
17. Request for Linda Grubb to be reappointed to the Southeast Massachusetts Commuter Rail Task Force.