

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
August 26, 2013 - 7:00 PM

On August 26, 2013, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Belliveau at 7:00 PM. Selectmen present were: Selectman Belliveau, Selectman Burke and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow and Matthew Ferreira of The Middleboro Gazette were recording the meeting, along with LAKECam recording for local community broadcast.

Discuss Policy for Establishing Search Committees

Selectman Burke stated that at the previous meeting of the Board a few weeks ago, he had suggested establishing a policy for Search Committees so that there is a consistent methodology on the Search Committee's work. The recent Superintendent of Streets search process was a good example. Ms. Garbitt highlighted the elements of a proposed policy: 1. The Board of Selectmen will be the appointing authority of Search Committees; 2. The Selectmen will forward a Charge to the Committee which will include the number of finalists the Selectmen will want to interview; 3. The Search Committee will review all of the applications received and decide which candidates will be scheduled for an interview; 4. The Search Committee will draft a list of questions for the candidates; 5. Salary and benefit package will be reviewed with the candidates; and 6. At what point the references will be checked.

Discussion took place about when references should be checked. Selectman Burke stated that he would prefer to have that done during the initial phase of the process, since then questions can be asked that you would not otherwise ask a candidate. Chairman Belliveau agreed. Further discussion on the process occurred. If the Search Committee returns with only one (1) finalist, there may be a need to have a discussion regarding the lack of finalists, or if the candidate is a good fit for the Town. There should be a minimum of three (3) finalists, but it depends on the amount of applications that are received and the qualifications of the candidates. It was noted that this is a good framework, and covers the process that was followed recently, which was a positive outcome. The policy will be fine-tuned a little bit more by the Town Administrator.

Ms. Dow mentioned that in the past there had been discussions about having only one (1) finalist. That it is circumventing the Open Meeting Law. Ms. Garbitt stated that as long as the Board interviews the finalist in Open Session, then only one (1) qualified candidate is acceptable.

Update on Superintendent of Streets Position

Selectman Burke stated that he had had the opportunity to speak with Edward Buckley about the salary and benefits package that the Town was offering him. At this time, there seems to be an impasse with Mr. Buckley, and the Town may not be able to move forward with him on those issues. Procedurally, the Board may want a motion to rescind the offer that has been made to him, since he did not accept the offer.

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

VOTED: To end salary negotiations with Edward Buckley and to withdraw the job offer of Superintendent of Streets.
Unanimous in favor.

Chairman Belliveau mentioned that there are still two (2) finalist candidates, if they are still available: Jeremy Peck and Christopher Gallagher. Selectman Powderly suggested to simultaneously negotiate with both of the candidates, instead of individually, since he felt that they were equal candidates. If they both say yes, then the Board can choose the candidate that is the best fit for the Town. Further discussion ensued on the topic. Chairman Belliveau stated that he would prefer that the Board choose one (1) candidate to offer the position to and move forward with negotiations. Selectman Burke stated that he was not opposed to that either. Chairman Belliveau mentioned that his second choice would have been Jeremy Peck.

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

VOTED: To offer the position of Superintendent of Streets and to begin negotiations with Jeremy Peck and to authorize Selectman Burke to enter into those negotiations. If Mr. Peck is no longer interested in the position and/or negotiations cannot be completed successfully, to continue forward and start negotiations with Christopher Gallagher.
Unanimous in favor.

Discuss appointing a Search Committee for the new Building Commissioner

Ms. Garbitt stated that Selectman Burke had received another email from an applicant after the close of the deadline on Friday. What would the Board like to do? Ms. Garbitt stated that she could not recall when a late application was ever accepted in the past. However, since the Town Office Building closes at noon on Fridays, this may be why the application was late. Chairman Belliveau stated that it may be a lesson learned that the Board should not close a posting at noon on a Friday. Selectman Powderly stated that he did not object to accepting the application. Selectman Burke had no objections either. Ms. Garbitt will include the application, so there are 16 applications. Discussion then took place of who should be on the Search Committee. It was suggested to have Bill Garvey from the Board of Health, Sylvester Zienkiewicz from the Planning Board, a Selectman, Donald Foster from the Zoning Board of Appeals, and a member of the public that has building experience. Ms. Garbitt suggested someone from the Fire Department since they work with the Building Commissioner.

A request for a member of the public with building experience, preferably a Building Inspector, will be placed in The Gazette and will also be put on the Town's website. Chairman Belliveau was selected as the Board's representative. The charge will be for the committee to bring forward at least three (3) candidates.

Discuss the Status of the Wage & Personnel Board

Ms. Garbitt stated that the Wage & Personnel Board has been on temporary hiatus since October 10, 2012, and the Selectmen have been acting as the Wage and Personnel Board since that time. Ms. Garbitt noted that some of the part time employees do receive benefits, though the majority are not benefit eligible, and are not part of the union. Chairman Belliveau stated that he understood that they are part of the union if they work 20 hours or more. This should be looked into to make sure. Chairman Belliveau asked what the benefit would be of having the Committee now that there are six (6) unions in town. Ms. Garbitt responded that the benefit for the Selectmen would be that they would then not have to deal with those issues. She will check with Town Counsel to see if the Selectmen can continue on as the Wage & Personnel Board.

Ms. Craig pointed out of the employees that are not eligible to be in the union, six (6) of the eleven (11) full time employees fall under the jurisdiction of the Board of Selectmen and twelve (12) of the part time employees are also under the jurisdiction of the Selectmen. If one of them has an issue, the employee is effectively bringing it to his/her bosses. There is no in-between or buffer between the two (2) sides. Selectman Burke stated that it is a good point, that there is not a distant objective group or ear. Ms. Garbitt will consult with Town Counsel to determine if the Town needs to go to Town Meeting to disband the Wage and Personnel Board.

Discuss Status of Junk Dealer, Junk Collector and Auctioneer Licenses for Anthony and Dorita Morris – 33 Myricks Street

Ms. Garbitt stated that Mr. Darling had been out to the Morris' property. Mr. Morris has not had enough time to comply with all of the recommendations, and has asked for another month in order to complete them. The front step and the ramp are almost complete. However, Mr. Darling does not believe the general clean up and the roof repairs can be completed in just one (1) month. Selectman Powderly suggested to extend the permit until November 1, 2013.

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

VOTED: To extend the permit for Anthony and Dorita Morris at 33 Myricks Street to November 1, 2013.
Unanimous in favor.

Discuss request from Mass Audubon for an Endowment Fund & Stewardship Costs for Conservation Restriction on Howland Road

Discussion took place regarding the request from Mass Audubon for an Endowment Fund & Stewardship Costs for the Conservation Restriction on Howland Road. Marcus Baptiste had provided an endowment for the first 23 acres. The Board felt that the Town did not have any money at this time to put forward to such a fund, unless it was a legal matter and could be binding with \$1. The Town also had not budgeted for this. Ms. Garbitt stated that the present request to cover the cost is \$12,000-\$15,000. It is not known though how much work it is to monitor the property.

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

VOTED: That the Town does not have money at this time to contribute to an endowment fund for a Conservation Restriction on Howland Road.
Unanimous in favor.

Discuss responses received from residents regarding vacancy on Conservation Commission

Chairman Belliveau noted that the Board received three (3) responses from people interested in the vacancy on the Conservation Commission. However, two (2) were received after the August 15th deadline. The Board decided to forward the one (1) response that came in before the deadline to the Conservation Commission. The other two (2) responses can be held for future vacancies.

Discuss Invitation to attend MMA Fall Legislative Breakfast Meetings

Chairman Belliveau stated that he will attend the MMA Breakfast Meeting in Rochester on September 20, 2013. Selectman Burke and Selectman Powderly are unable to attend.

Request for Proclamation – Daughters of the American Revolution – Constitution Week

Chairman Belliveau read the proclamation into the record.

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

VOTED: To approve and sign the Proclamation for Constitution Week during September 17 through 23, 2013.
Unanimous in favor.

Request for Temporary Trailer License – 8 Malbone Street

This item was withdrawn for a future agenda.

Request for Outdoor Entertainment Permits-Lakeville Arts Council-September 14, 2013 and October 5, 2013

Chairman Belliveau explained the requests from the Lakeville Arts Council for Outdoor Entertainment Permits at the Town House.

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

VOTED: To approve the request by the Lakeville Arts Council for two (2) Outdoor Entertainment Permits for live music at the Town House Stage on September 14, 2013 from 12:00 PM to 3:00 PM and on October 5, 2013 from 10:00 AM to 4:00 PM.
Unanimous in favor.

Request to Extend Contract with Roby's Propane Gas for 30 days

Ms. Garbitt noted that she would like to have the two (2) fuel contracts expire at the same time. The current contract for Roby's Propane Gas expires August 31, 2013. She would like to extend it through September 30, 2013, to have the same expiration date as the #2 Fuel Oil contract.

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

VOTED: To approve the extension of the contract with Roby's Propane Gas until September 30, 2013.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes for April 8, 2013 April 23, 2013 and May 6, 2013

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

VOTED: To approve Selectmen's Meeting Minutes of April 8, 2013; April 23, 2013 and May 6, 2013 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes for August 21, 2013

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of August 21, 2013 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt stated that she provided the Board with copies of the letter from Nancy Lafave of the Historical Commission regarding the replacement of the windows on the old section of the Town Office Building. Ms. Garbitt met with the Historical Commission last week. Although they would prefer wooden replacement windows, they do realize that it is not economically feasible. They have asked that the windows that are installed retain the look of the original window grids. The requests for proposals is being drafted at this time. Ms. Garbitt is hoping to get the windows installed before winter sets in.

Other Items

1. Thank you letter from the Tuesday Club of Assonet
2. Letter from Orlando Spears regarding Noah Bartel
3. Notice from Attorney General regarding results from Annual Town Meeting

Ms. Garbitt stated that the Town will have to go back and renumber the Temporary Moratorium on Marijuana Bylaw. The Town Clerk realized the error when she was putting the letter together for the Attorney General.

4. Notice of Plymouth County Advisory Board Meeting – September 12, 2013
5. Letter from Positive Effects LLC regarding Food Waste Composting
6. Notice from SRPEDD of Massachusetts Regionalization and Innovation Conference – September 16, 2013
7. Notice of Steering Committee meeting – August 28, 2013
8. Notice of Training Seminar – Massachusetts’ Office on Disability – September 17th and September 18th
9. Retired State, County and Municipal Employees Association of Massachusetts Newsletter
10. Letter from DHCD regarding Subsidized Housing Inventory for Lakeville
11. Letter from BETA Engineering, Inc. in response to letter from DEP regarding the Notice of Non Compliance for the Highway Barn Gasoline Release

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

VOTED: To adjourn the Selectmen’s Meeting at 8:06 PM.
Unanimous in favor.