

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**September 23, 2013 - 7:00 PM**

On September 23, 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. Matthew Ferreira of The Middleboro Gazette was recording the meeting.

Chairman Belliveau announced the Lakeville Arts Festival will take place on October 5, 2013 from 10:00 AM to 4:00 PM at the Old Town House.

**7:00 PM Meet with the Park Commission to discuss the plans for the Ted Williams Camp**

*Daniel Hopkins, Barry Evans, Michael Nolan and Jaime Velazquez were present for the discussion.* Chairman Belliveau explained that the Town borrowed \$500,000 for the renovations to the Commissary, and was anticipating a return of \$658,000 from the Earth Removal Project at the Camp. However, it appears the return will only be approximately \$310,000. He stated that the plan was to sell excess loam from the project. Chairman Belliveau asked the Park Commission to update the Board on the project. Mr. Hopkins stated that the loam is unscreened. The Park Department does not have the money to have the loam screened. It would cost approximately \$2,000 a day for a screener. If the loam is not screened, it can be sold for \$1.00 to \$2.00 a square yard. If it is screened, it can be sold for \$5.00 to \$6.00 a square yard. They believe there is approximately 50,000 square yards of loam. There have been several interested parties, but it is not known if they are still interested.

Chairman Belliveau asked about selling some of the loam at the lower cost, and then use that income to rent a screener to do the rest. How long will it take to screen the loam? Mr. Hopkins responded that Darryl Bernier has been handling the matter, and we spoke to him about it. The work to put the necessary loam in the fields and down the banks is to start during the next week. Chairman Belliveau stated that it is important that the highest return as possible is received. Mr. Hopkins stated that if they do not receive an answer from the interested parties, he will put out a for sale sign with the loam to sell it unscreened. Selectman Powderly stated that he thinks it costs about \$4.00 a yard to screen loam. Typically using a big screener is a multi-thousand dollar project. If the Park Department is going to sell it for \$6.00 to \$10.00 per square yard, stock pile it and secure it. Mr. Hopkins stated that he can put out a Request for Proposals (RFP) and see what comes in for bids. Chairman Belliveau stated that the Board thought that had already been done. Selectman Powderly asked about the quality of the loam. Mr. Hopkins responded that they were told it was good loam. Selectman Powderly suggested to put it out to bid for those who do large projects such as Lopes. Chairman Belliveau stated that the Town lent the Park Department money and if there is going to be a loss, it needs to be discussed. Mr. Hopkins replied that there is not a loss at the moment. Chairman Belliveau stated that the Town needs to know what it is worth. Selectman Powderly asked if the pile could be moved back. Mr. Hopkins responded that it could be, since there is some space available. Ms. Garbitt stated that she will work with the Park Department to put out an RFP. Chairman Belliveau stated that he

preferred not spending a large amount to get the loam screened, if there will only be a return of \$1.00 to \$2.00 a square yard. Selectman Powderly suggested to “google” large deliverers of loam and contact them for suggestions.

**7:15 PM Meet with Katie Servis regarding her noise complaint from 2013 Cranberry Trifest on August 25, 2013 at the Ted Williams Camp**

*Katie Servis was present for the discussion.* Chairman Belliveau stated that he was aware that Ms. Servis sent a letter regarding a noise complaint. He asked if she had met with the Park Department to discuss this. Ms. Servis stated that she had spoken with the Board of Health. She understands that activities are held at Ted Williams Camp, but when it began at 6:00 AM, it was a little jarring. She said her neighbor called her, asking if she had her radio on. She is asking that there be a time curfew for events. 7:00 AM would be a little better start time. Ms. Servis asked if the Town has an ordinance that addresses this. Chairman Belliveau stated that the Town does have an ordinance under the Board of Health (Section 4, #2). From 7:00 PM to 6:00 AM, that type of noise is prohibited. Selectman Burke noted that he felt Section E is what would cover this situation with hours from 8:00 AM to 7:00 PM. He suggested that it would be good to have the Park’s Rental Agreement mirror the noise ordinance. If there is a violation of the noise ordinance, the Board of Health would handle this.

Ms. Servis stated that she has spoken to the Event Coordinator. He said they would do what they could to minimize the noise that early in the morning. Selectman Powderly mentioned that the bull horns will be used at 6:45 AM for the swimming event. Mr. Hopkins added that they started a half hour early this year, but he can request that they not play music for the first half hour to an hour. Selectman Powderly said most triathlons start at 7:00 AM. The announcers get ready a half hour ahead of time, so the loud speaker is going to be prior to 7:00 AM, unless the entire event agenda changes. Ms. Servis stated that she is asking the Board to consider the community around Ted Williams Camp. The neighbors could go to the State with the complaint as well and she doesn’t want to do that. She hopes that the event can begin at 7:00 AM instead. Chairman Belliveau noted that the Board of Selectmen approves the event requests, but the noise aspect is the Board of Health’s jurisdiction. We can request that they attempt to minimize the early morning noise for the residents. Ms. Servis stated that she was satisfied with the Event Coordinator’s response. Chairman Belliveau stated the Selectmen will try to remember when approving events that they consider the start times. Ms. Servis stated that everyone has been very accommodating, but is it possible to have a restriction in the agreement not to use the loud speaker till 7:00 AM. Chairman Belliveau responded that the Board can be conscious of the matter and ask the Park Commission. Selectman Burke noted that the Board cannot be more restrictive than what is allowed.

Mr. Hopkins stated that the Park Commission will take neighbors’ concerns under consideration regarding start times and the volume level. Chairman Belliveau noted that when the people apply for these events from the Park Department, they can be made aware that they should be conscientious of the noise level for the residents.

### **7:30 PM Meet with Alan Hanscom of BETA regarding Highway Barn Gasoline Spill**

*Alan Hanscom of Beta Engineering was present for the discussion.* Mr. Hanscom said he would like to discuss compliance options with the Board. He provided updated maps of the spill area. Beta Engineering has been involved with this site for approximately four (4) to five (5) years now. The DEP regulations require that a Response Action Outcome (RAO) needs to be filed two (2) years after removal efforts have ceased. That is the reason a Notice of Non-Compliance was received. It is not uncommon to receive the notice. Mr. Hanscom said at this time, only one (1) test well is non-compliant, NW28. The other wells have achieved well water standards, which is the strictest compliance. There is no problem attaining a conclusion by the end of the year. The levels have dramatically decreased and others are non-detect. This is all very good news. He noted that Beta continues to monitor the well. DEP regulations state that since ground water fluctuates, it needs to be monitored for four (4) consecutive quarters. Beta will submit a Temporary Solution RAO, which will reduce the compliance fine by approximately \$3,000. The notice from DEP explained that the partial RAO was needed, and that the Town had a grace period. Generally DEP does not even issue a letter. Beta will submit the Temporary RAO and next year will do the final submittal. Chairman Belliveau stated that he is not sure if there is money in the Highway Department budget for the additional work. Mr. Hanscom responded that he will review the budget to get an idea of what is needed.

### **Update from Selectman Belliveau on the Raynham Park Slot Parlor Proposal**

Chairman Belliveau explained that he and Ms. Garbitt met with Tom Carney and two (2) transportation planners from SRPEDD regarding the Raynham Park Slot Parlor Proposal. The possible impact issues they saw were on the Fire and Police Departments due to traffic and possibly the roads and the schools, (if non English speaking students entered the district). Chairman Belliveau wanted to make the planners aware that Lakeville is within the potential impact zone. At this time, there may be nothing to mitigate, but there may be in the future.

### **Update from Selectman Powderly on the Quarterly Dam Meeting**

Selectman Powderly updated the Board regarding the recent Quarterly Dam Meeting. The pond levels have continued to be measured and tracked. Selectman Powderly has been speaking to Middleborough to find out if there is a written operating procedure of the dam in regards to what triggers the opening and closing of the dam, who is in charge of it and when. It seems that no one knows the answer to any of these questions. He feels that raising and lowering the dam is critical to pond levels, but others say it does not make a difference. Middleborough really needs a standard operating procedure. Middleborough feels that they have experimented enough and drained Nemasket close to the dam. Selectman Powderly said he feels that there is more that they can do, and that they do not want to do it. He is more interested in what happens when levels are high. There is a lot of modeling that should be and can be done. He will continue to work on this with Representative Keiko Orrall. Selectman Powderly said there is a canoe ride scheduled for this weekend to look at hindrances and blockages in the river. The tour will begin at 8:00 AM.

**Discuss renewal of Intermunicipal Agreement with Taunton Municipal Lighting Plant (TMLP) for Dedicated Internet Access and Service Agreement**

Ms. Garbitt stated that the Agreement with TMLP will be approximately \$24,000 a year. The Town's Capital Plan had switches and routers included. However, that would be part of the new agreement with TMLP, which would cover the cost of a lot of equipment and infrastructure that the Town needs. TMLP will maintain it as well. Chairman Belliveau explained that the Town also met with Radio Solutions and Earthlink regarding the Police, Fire and Highway radios and telephone systems. Selectman Powderly suggested asking them to do a presentation for the Board. Ms. Garbitt explained that not all of the equipment needed is in the Capital Plan. The phone system will be projected for FY15. Chairman Belliveau explained that the radio solutions are a totally different matter. It will be very expensive in order to upgrade to present technology. He suggested that the presentation take place initially before the Technology Committee. Chairman Belliveau suggested that a meeting be arranged with the Fire Chief, Police Chief and the Superintendent of Streets to review the whole system.

**Discuss status of Wage & Personnel Board**

Chairman Belliveau stated that if the Wage & Personnel Board is to be disbanded, it would have to go before Town Meeting. The Town has very few employees that are not covered under the Union Contracts. Most are Department Heads, but they report to the Selectmen. There would also be the Part Time Employees that work less than 20 hours and the Call Firefighters. Since there are not a lot of people affected, he does not think that this Board is necessary any longer. This should be placed on the Annual Town Meeting Warrant. Once that is done, the Board of Selectmen would function as the Wage and Personnel Board.

**Discuss letter from Attorney General regarding reimbursement for State Elections**

Chairman Belliveau stated that the Town will be getting reimbursed by the State for the Special Elections. He noted that the Town Clerk has requested new voting booths. The current wooden ones that the Town has are very heavy and are falling apart.

**Review and vote on Amendment to the Intermunicipal Agreement with Town of Middleborough for Municipal Water – Bridge Street**

Chairman Belliveau stated that a request was made by the owner of the property located at 37 Bridge Street to connect to the existing Middleborough Municipal water line. However, the current Intermunicipal Agreement (IMA) does not include this property. The IMA needed to be revised to include 37 Bridge Street.

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

VOTED: To approve the amendment to the Intermunicipal Agreement (IMA) with the Town of Middleborough for Municipal Water, including 37 Bridge Street.  
Unanimous in favor.

**Request for One Day All Alcohol Liquor License – October 13, 2013 – Ted Williams Camp**

Chairman Belliveau read the request for the One Day All Alcohol Liquor License for the Park Commission for a wedding reception on October 13, 2013.

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

VOTED: To approve the request for a One Day All Alcohol Liquor License at the Ted Williams Camp on October 13, 2013 from 12:00 PM to 5:00 PM.  
Unanimous in favor.

**Vote to award #2 Fuel Oil Bid**

Chairman Belliveau reviewed the bid responses with the Board. Ms. Garbitt explained that East Coast Petroleum rates are lower, but they do not perform service on the furnaces. Minor discussion took place considering the benefits and drawbacks of each of the bidders. Selectman Powderly stated that the Board should know the gallonage use, hourly rate for maintenance, cleaning, and response time when the equipment goes down, prior to making a decision. This will be placed on the next Selectmen's meeting once the information is gathered.

**Vote to award Propane Gas Bid**

Chairman Belliveau reviewed the bid responses with the Board. Roby's Propane Gas was the low bidder.

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

VOTED: To approve the bid for propane gas to Roby's Propane Gas at a delivery fee of .28714 per gallon, other fees .18900 and a maintenance rate of \$59.50 per hour.  
Unanimous in favor.

**Discuss appointment of Hugh Rogers to the Conservation Commission**

Chairman Belliveau stated that the Conservation Commission voted unanimously to have Hugh Rogers be appointed to fill the current vacancy.

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

VOTED: To appoint Hugh Rogers as a full member to the Conservation Commission with a term to expire July 31, 2016.  
Unanimous in favor.

**Discuss letter of interest from Richard Velez for the Technology Advisory Committee**

Chairman Belliveau stated that Richard Velez has sent a letter of interest to be a member at large on the Technology Advisory Committee.

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

VOTED: To appoint Richard Velez to the Technology Advisory Committee with a term to expire July 31, 2014.  
Unanimous in favor.

**Discuss letter from Economic Development Committee regarding Member vacancy**

Chairman Belliveau said there was a vacancy on the Economic Development Committee. The Economic Development Committee requested that Sarah Kulakovich be made a full Member.

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

VOTED: To appoint Sarah Kulakovich as full Member to the Economic Development Committee with a term to expire July 31, 2014.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes of September 16, 2013 (two sets)**

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

VOTED: To approve the Selectmen's Meeting Minutes of September 16, 2013 at 1:00 PM and September 16, 2013 at 1:30 PM as presented.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of September 9, 2013 and September 16, 2013**

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

VOTED: To approve the Board of Selectmen's Executive Session Minutes of September 9, 2013 and September 16, 2013 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt noted that the Board had received an invitation to attend a Chamber Breakfast at Boston Tavern on September 26, 2013. Selectman Powderly will check his calendar and notify Ms. Garbitt whether he will be attending.

Ms. Garbitt said that the Town had received the Final Environmental Impact Report regarding the SouthCoast Rail Project. It is 2,000 pages long and can also be found online. There will be a meeting in Taunton to discuss the report. Comments can be submitted until October 26, 2013

## **Old Business**

Ms. Garbitt stated that the Retirement Board did vote to extend the County's funding schedule to 2034. The FY15 assessment will not be as impacted as it was initially thought. However, they did include percentage increases. Lakeville's assessment will be going up approximately \$90,000 in 2014.

Chairman Belliveau stated that he attended the Legislative Breakfast last Friday. Various Towns are working to try and have the Governor increase Chapter 90 money. A great discussion took place on the Chapter 70 money with respect to the schools. Regionalization was also brought up about when a budget is approved and then the State changes the Net School Spending amount. Lakeville spent more money than it should have, and other Towns spent less than they were supposed to. A lot of towns are in the same predicament with their Regional Schools since the numbers come out later this year. Their advice was not to use the Governor's numbers, but to use the House numbers since they are more accurate.

Chairman Belliveau stated that he had met with Jonathan White to discuss the fact that the State is denying the Town the 40R reimbursement for Sterling Place and Kensington Court due to how the project was phased in. Lakeville will be appealing the ruling to try and get the units to count. The State approached Mr. White to get the tax credits. Now they are ignoring the fact that it was the State that pushed him to do what he did. Ms. Garbitt called Attorney Kathleen O'Donnell who used to work for Town Counsel. She is an expert on 40R developments. Ms. Garbitt requested that she look into the density bonus of \$315,000 that the Town was to receive and to begin the appeal process for those funds.

## **Other Items**

1. Letter from SRPEDD regarding SRPEDD Support for Local Initiatives
2. Meeting Notice – Regional Economic Strategy Committee – September 10, 2013
3. Meeting Notice – Plymouth County Development Council – October 25, 2013
4. Meeting Notice – UMass Dartmouth Transform 2020 – September 27, 2013
5. MassDOT Moving Together 2013 Conference – October 23, 2013
6. Notice of MMA Fall Conference for Selectmen – October 5, 2013
7. Notice from MMA of Annual Awards
8. Notice of Community Innovation Challenge Grant Success Stories and Regionalization Assistance Guide
9. Notice from FCC Regarding Comcast Cable Petition of Effective Competition (full brief is in the Blue Read File)
10. Notice of Columbia Gas Petition to Issue Long-Term Debt
11. Notice of Public Hearing – Columbia Gas – Cost Based Rate Design
12. Letter from Comcast regarding benefits provided to the Town of Lakeville
13. Notice from Verizon of Programming Changes
14. The Wave Newsletter from Tata and Howard
15. Notice from the Southeastern Massachusetts Council on Sustainability regarding their next meeting on October 10, 2013

16. Update from Kopelman & Paige regarding upcoming deadlines for requirements under the Affordable Care Act

At 8:35 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 conduct a strategy session in preparation for negotiations with non-union personnel, specifically the Superintendent of Streets, and pursuant to M.G.L. c. 30A, §21(3) to discuss strategy with respect to the collective bargaining agreement with the Police Department because an open meeting may have a detrimental effect on the negotiating position of the Board.  
Polled vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Burke-Aye.