

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**September 9, 2013 - 7:00 PM**

On September 9, 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, and Christine Weston, Recording Secretary. Cindy Dow and Matthew Ferreira of the Middleboro Gazette were recording the meeting. LakeCAM was recording for local community broadcast.

**7:30 PM Meet with Water Advisory Committee to discuss ballots for water service-Paddock Hill, Surrey Drive and Carriage House Drive**

*Joseph Urbanski, Douglas Mills, & Sylvester Zienkiewicz of the Water Advisory Committee were present for the discussion.* Chairman Belliveau stated that the results from the ballots sent out to residents on Paddock Hill, Surrey Drive and Carriage House Drive asking if they were interested in municipal water showed barely 50% of the residents being in favor, mainly from Carriage House Drive. Since the Town will not get the roads paved this year, it was suggested to send out another letter stating that the Town is thinking about putting water lines in their area, and the Town would like to meet with the residents to get their input. At the end of the meeting, another survey can be taken from the residents to see if they are interested in having water lines installed. Mr. Mills stated that people have asked him what reconstruction of the roads meant. Chairman Belliveau responded that he thinks that the roads are beyond reconstruction (black topped) and are at the stage of reclamation (completely dug up and repaved). Ms. Garbitt stated that Carriage House Drive is reconstruction, Surrey Drive is a reclamation.

Selectman Powderly asked if 25% of the residents on the three streets were not in favor, would the Board still want to go forward with water lines. Mr. Mills stated that he would not go forward unless there was at least 75-80% in favor of the water lines. Mr. Zienkiewicz stated that he felt that the Board should decide how much of a percentage that they want in order to move forward. It should be higher than 51%, but it is not clear though if it should be as high as 75%. He added that the figures that were shown in the newspaper were approximate since the actual figures are not known. When the betterment pipe goes in, the pipe includes the hydrants, valves, controls, mains and a stub for each house, no matter which side of the street they are on. Then, the construction company would not have to dig under the street again. The work that gets done from the street to the house is fairly simple work. The figures should be lower than those read in the newspaper. Selectman Burke stated that he would prefer that the percentage in favor be 100%. It is about property rights and about the government (Board of Selectmen) forcing something onto the people against their will. Chairman Belliveau stated that he would also like to see a greater participation of the residents on those particular streets. He then asked if the project is doable on a street by street basis, or if needs to be done in a loop. Mr. Mills responded that a loop system is far superior than a street by street basis, since gates can be put in, shut-offs, etc. Without a loop, if there is a break in a main, then you are done. A loop is also far superior in the event of a fire, since the Fire Department can draw water from both sides. If Carriage House Drive wants the water line, a dead end main could be put in.

Chairman Belliveau stated that the community meeting is being scheduled for October 2<sup>nd</sup> at the Council on Aging at 7:00 PM to discuss the issue further with the residents that live on those streets. Mr. Zienkiewicz mentioned that Town Meeting accepted the betterment law and also voted for the water tank. This is a nice neighborhood, there is good digging there, and it would run at a small per foot price. Discussion then took place regarding “friendly” betterments. The Selectmen, according to Mr. Zienkiewicz, would have to determine what the threshold is for a friendly betterment. Mr. Zienkiewicz stated that as far as these particular streets, there are only 47 properties and 3 are vacant. The profit to the Town is maybe 10%, so that will never pay for the water tower. Chairman Belliveau stated that it seems that the Town needs to get the Intermunicipal Agreement (IMA) Lease resolved with the City of Taunton, or go back to Town Meeting and tell everyone that they will have to pay for the water tower. Selectman Burke asked if the Town would ever consider asking all the residents to pay for the water tower. Mr. Zienkiewicz responded that he seriously doubted it. Even if everyone in Lakeville was hooked up, the Town would not make money; it would lose money.

Mr. Mills asked if the Board is aware that the waterline goes all the way to Bridgewater. Selectman Burke responded that they did. Selectman Powderly stated that while having a neighborhood meeting might be valuable, it may be more valuable to have a meeting with the Mayor of Taunton to get the IMA Lease in place. Chairman Belliveau said that these residents being added to the water line will not pay for the water tower. It was agreed to send out a letter to the residents of the streets to let them know that the Town needs a greater response to move forward. Mr. Zienkiewicz will prepare the letter.

### **Discuss appointment of Jeremy Peck as the Superintendent of Streets**

Selectman Burke stated that he had spoken with Jeremy Peck, and they came to an agreement on his salary.

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

VOTED: To appoint Jeremy Peck as Superintendent of Streets, effective September 9, 2013 at a rate of \$75,000 with a starting date to be determined.  
Unanimous in favor.

### **Appoint Search Committee for Building Commissioner**

*John Olivieri, Robert Whalen, William Garvey and Sylvester Zienkiewicz were present for the discussion.* Chairman Belliveau said that the Board needed to appoint the Search Committee for the Building Commissioner.

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

VOTED: To appoint John Olivieri, Robert Whalen, Scott Belliveau, William Garvey and Sylvester Zienkiewicz to the Building Commissioner Search Committee.  
Unanimous in favor.

**Review and vote to award HVAC bid for Assawompset School-Green Communities Project**

Ms. Garbitt stated that there had only been one (1) bidder for the HVAC bid for Assawompset School from Cranston, Rhode Island. Their bid came in lower than anticipated, so the Town should be able to purchase more anti-idling devices for the Police cruisers and be able to replace more doors at the Fire Station.

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

VOTED: To award the bid to Automatic Temperature Controls, Inc. d.b.a C.H.A.C. from Cranston, Rhode Island in the amount of \$29,330 for the main work and \$14,200 for the alternate work and to authorize the Town Administrator to sign the contract.  
Unanimous in favor.

**Vote to sign Bond Anticipation Note (BAN) Renewal**

Chairman Belliveau explained that the Bond Anticipation Note (BAN) for the Ted Williams Park Renovation Project is for \$310,000. It is recommended to award the bid for the BAN renewal to Eastern Bank.

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

VOTED: To approve and sign the Bond Anticipation Note (BAN) in the amount of \$310,000 for the Ted Williams Park Renovation Project to be issued on September 20, 2013 and due September 19, 2014 payable to Eastern Bank at an interest rate of .65%.  
Unanimous in favor.

**Discuss the Notice from Gaming Commission regarding Lakeville's Designation as a Surrounding Community to the Proposed Gaming Establishment in Raynham**

Chairman Belliveau stated that he would prefer that the notice is provided to the Casino Advisory Committee so that they can discuss it. Applications are due October 4, 2013 for a Category 2 gaming license. It is also not clear whether any mitigation would help. Representative Orrall has indicated that even three (3) students entering the district would be an impact to the schools if the students were non English speaking. The Town should send a letter. Chairman Belliveau asked that the Chair of the Committee, Donna Winters, be contacted to schedule a meeting of the Casino Advisory Committee.

**Request from Park Commission for One Day All Alcohol Liquor Licenses: September 15, 2013 and September 28, 2013**

Chairman Belliveau said the Board had received two (2) applications from the Park Commission for One Day All Alcohol Liquor Licenses for the Ted Williams Camp.

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

VOTED: To approve the One Day All Alcohol Liquor License at Ted Williams Camp on September 15, 2013 from 12:00 PM to 5:00 PM for a Baby Shower.  
Unanimous in favor.

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

VOTED: To approve the One Day All Alcohol Liquor License at Ted Williams Camp on September 28, 2013 from 12:00 PM for 6:00 PM for a Company Outing.  
Unanimous in favor.

**Request for Road Cut-Columbia Gas – 6 Anaconda Drive**

Chairman Belliveau read the request from Columbia Gas for a Road Cut Permit for the property located at 6 Anaconda Drive.

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

VOTED: To approve the Road Cut Permit for Columbia Gas on 6 Anaconda Drive, subject to the conditions on the Permit.  
Unanimous in favor.

**Request for Outdoor Entertainment – Jason McCarthy – 9 Lincoln Street**

Chairman Belliveau read the request for a permit for Outdoor Entertainment for Jason McCarthy at 9 Lincoln Street.

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

VOTED: To approve the request from Jason McCarthy for an Outdoor Entertainment Permit for live music for a birthday party on September 21, 2013 from 3:00 PM to 8:00 PM at 9 Lincoln Street.  
Unanimous in favor.

**Request for signs-Lakeville Arts Festival – October 5, 2013**

Chairman Belliveau read the request for signs advertising the Lakeville Arts Festival on October 5, 2013.

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

VOTED: To approve the request by the Arts Council to place signs at Sedell's, the intersection on Precinct and Pickens Street and the Mayflower Bank Property on

County Road, along with 25 wired signs to be placed around Town for the October 5, 2013 Arts & Music Festival.  
Unanimous in favor.

**Vote to accept resignation of Derek Maksy from Economic Development Committee**

Chairman Belliveau read the letter received from Derek Maksy resigning from the Economic Development Committee.

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

VOTED: To accept Derek Maksy's resignation from the Economic Development Committee and to send a letter of thanks for time served.  
Unanimous in favor.

**Discuss email received from Justin Bradley regarding Technology Committee**

Chairman Belliveau read the letter received from Justin Bradley resigning from the Technology Committee.

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

VOTED: To accept the resignation of Justin Bradley from the Technology Committee.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes of September 3, 2013**

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of September 3, 2013 as presented.  
Unanimous in favor.

**Old Business: Vote to add rain date of September 15, 2013 to Outdoor Entertainment Permit for Lakeville Arts Council**

Chairman Belliveau said the Board received a request from the Lakeville Arts Council to add a rain date to their Outdoor Entertainment Permit on September 15, 2013.

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

VOTED: To approve the rain date request of September 15, 2013 for Outdoor Entertainment for the Lakeville Arts & Music Festival.  
Unanimous in favor.

### **Any other business that may properly come before the meeting**

Selectman Burke provided an update regarding the Police Department's radio system. The Police Chief told the Technology Advisory Committee about how inconsistent the radio coverage is in Town. Chief Alvilhiera has put together information regarding a solution. The present radio infrastructure is reliant on the Town of Middleborough to support it. It is not known how long they will maintain that system. It is being recommended that the Town should plan to have radio infrastructure in Lakeville so that it can be controlled. The Town needs to have the best equipment and resources for the Police Department to do their job.

Chairman Belliveau stated that the matter has been mentioned several times since he has been on the Board. Fire Chief Hopkins was looking into the cost of the radio equipment. Ms. Garbitt explained that the Police, Fire and Highway Department use the same radio system. Cyber Com and another vendor are conducting an analysis for the Police Department. Cyber Com has stated that the equipment that was replaced on the Barden Hill Tower is less than what it was supposed to be. Joe Urbanski mentioned that when the Verizon Cell Tower was approved, it was built to be able to install Police and Fire Communications. Ms. Garbitt stated that the height of that tower may not be adequate and the water tower was also supposed to provide for Police and Fire radio communications.

Ms. Garbitt stated that FEMA will hold a meeting at the Library on the Flood Risk Maps on September 16<sup>th</sup> at 1:30 PM, if the Board wants to attend. The Building Commissioner and Fire Chief will be attending.

### **Other Items**

1. Memo from Police Chief regarding Firearms Licensing Delay
2. Review memo from Police Chief regarding Radio System
3. Notice from International Institute of Municipal Clerks regarding Lillian Drane's Certification
4. Letter from Board of Building Regulations and Standards regarding Nathan Darling
5. Notice of FEMA Flood Risk Review meeting-September 16, 2013
6. Notice from DEP regarding Sanitary Survey Report for F/L Regional School System
7. Plymouth County Advisory Board Meeting Notice-September 12, 2013
8. Plymouth County Retirement System Actuarial Update

Ms. Garbitt stated that if the Plymouth County Retirement Board does vote to keep the same schedule, Lakeville's portion will go up \$91,000 in 2015 and \$41,000 in FY16. For a lot of communities, like Middleborough, they will have a \$1.3 million increase or 26%. Many communities are facing huge increases. Minor discussion took place by the Board regarding the handout in the packet. It was noted that as new employees are hired, they are paying 95% of the future cost of it, however, there are still 5% that are not paying as much towards their benefit. The new employees are paying almost all of their future benefit.

9. RESC Meeting Notice-September 10, 2013
10. Notice of Annual Massachusetts Regionalization & Innovation Conference
11. Mass Wildlife Newsletter

12. Notice of Sustainability Workshop: October 2, 2013-Unplugging from Fossil Fuels to Empower the New Economy
13. Mass Interchange Summer Newsletter

A handout was provided about the Assawompset Pond Complex (APC). Selectman Burke stated that he goes by the gates on an almost weekly basis. The gates have been wide open most of the summer, and the Town does receive reports from Taunton. At this time of the year there is a high level, and the reports substantiate that. The Town though has absolutely no control of the pond level for a majority of the time, and cannot speed up the exit of water. Selectman Powderly said that there is no way that Lakeville can speed up the exit of the water without Middleborough lowering their dam. Middleborough continually balks at the suggestion of doing so. Selectman Powderly said there is a meeting tomorrow and will suggest experimenting by lowering the Assawompset and Wareham dams. Christopher Peck, Superintendent of Streets in Middleborough and Bill Schwartz of Taunton will be in attendance. If Middleborough is not willing to experiment, then he sees no reason for the committee. The request will be simple, to experiment while we are not in a crisis with snow storms or rain and snow melts in the spring.

At 8:22 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(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 Belliveau-Aye, Selectman Powderly-Aye, and Selectman Burke-Aye.