

**SELECTMEN'S MEETING MINUTES**  
**Monday, November 23, 2009**

On November 23, 2009, 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 Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**7:00 PM Meet with Assessors regarding setting Minimum Residential Factor**

*Paul Meleedy, Chairman of the Board of Assessors, was present for the discussion. Also present was Cynthia McRae, Town Accountant.*

Chairman Maksy read the legal notice of the hearing into the record.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To open the hearing.  
Unanimous in favor.

Mr. Meleedy reviewed the percentage by class for FY10 and distributed a handout. He then discussed the FY10 Split Rate Calculations and the Minimum Residential Factor. It is the position of the Board of Assessors to remain at a Factor of One (1). The goal is to get to 20% commercial development overall before looking at a split tax rate. Commercial development is presently 15%. Mr. Meleedy said the last thing the Town wants to do is discourage business.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To close the hearing.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To remain at a Factor of One (1) for the FY10 tax rate.  
Unanimous in favor.

**7:30 PM Warrant Review – Special Town Meeting – November 30, 2009**

*Present from the Finance Committee were: Steve Olivier, Melissa Hopkins and Michael Petruzzo. Also present was Gordon Goodfellow, Town Moderator. Mr. Olivier called the Finance Committee meeting to order at 7:38 PM.*

The warrant was read into the record.

**Article 1:** To see if the Town will vote to amend the budget approved under Article 2 of the Annual Town Meeting dated June 15, 2009 by making certain funding source adjustments, in particular to the amounts appropriated from Free Cash and Retained Earnings for the Park and Landfill Enterprise Funds for the purpose of defraying Town Expenses for the fiscal period July 1, 2009 to June 30, 2010, inclusive, and to make appropriation, or take any action relative thereto.

Ms. Garbitt said when we went to Town Meeting on June 15, 2009, Free Cash was not certified. This Article is re-voting the revenues in Article 2 of the Annual Town Meeting.

Upon a motion made by Mr. Petruzzo, seconded by Ms. Hopkins, it was:

VOTED: To recommend approval of Article 1.  
Unanimous in favor.

**Article 2:** To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2010 for various accounts in the General Fund, the Park Enterprise and Landfill Enterprise, or take any action relative thereto.

Ms. Garbitt said that Chief Sorel had applied for a grant for additional police officers. The Town was awarded the grant in the amount of \$186,659. Lakeville received one of the largest grant given. The grant is for one (1) year. There are stipulations to the grant, one of which is that you cannot cut the budget due to the grant. Two (2) police officers and one (1) civilian dispatcher will be rehired. These funds are coming through the Federal Stimulus money. Ms. Garbitt also stated that the Fire Department received a grant of \$15,087, and it will be awarded in Phase Two. The grant cannot be used to call back employees, but it can be used to help with their overtime and training.

Selectman Yeatts mentioned previous discussions about the Town hiring additional teachers for Assawompset School. If that was done, she wanted to hire another police officer. Discussion occurred about the hiring of the additional personnel. Selectman Yeatts stated that from a budget standpoint, the Town is scraping up enough money to bring back one (1) officer for seven (7) months to bridge the gap. Chief Sorel stated that there are 31 weeks left in the fiscal year and he has 29 weeks of vacation to fill. There is one (1) officer on light duty that will soon be on maternity leave. He had to fill 67 shifts on overtime to just keep one (1) officer on shift, so he is begging the Board of Selectmen to keep the \$10,000 in Article 2 because he will have one (1) police officer if that, when it is winter. He has even had times when there were no police officers on patrol. Safety has been compromised enough. It will come to a point when he cannot even fill a shift. Chief Sorel said he has gone out on calls and done dispatch. There have been 2,229 incidents so far in this fiscal year. Selectman Yeatts stated that she is on board with the overtime, but not for bringing back a Police Officer to just then let them go again when we can't afford to fund the position. Selectman Evirs suggested to take the money from the Unemployment Account instead of the wages. Chief Sorel stated that if he was able to keep the \$10,000, then maybe he could take some from gasoline since he is not having as many patrols going out. He will need to figure this out and get back to Ms. Garbitt. Maybe \$15,000 could be

taken from gasoline. In the professional supply account, the Town is supposed to purchase twelve (12) vests at \$800 apiece and the Police Department just got a grant for \$6,000 for the vests, so that could help. Selectman Yeatts continued reviewing the transfers, which totaled \$228,077.00.

Upon a motion made by Mr. Petruzzo; seconded by Ms. Hopkins it was:

VOTED: To approve Article 2.  
Unanimous in favor.

**Article 3:** To see if the Town will vote to ratify the Collective Bargaining Agreement with the Educators' Association of Freetown and Lakeville and transfer a sum of money from Employee Benefits for health insurance to wages for the School Department, or take any action relative thereto.

Ms. Garbitt stated that this Article is to fund the increased health care for the School Department, as agreed to in the Collective Bargaining Agreement. The amount is approximately \$64,000. Selectman Yeatts added that this is the Town stepping up to the plate again.

Upon a motion made by Mr. Petruzzo; seconded by Ms. Hopkins it was:

VOTED: To approve Article 3.  
Unanimous in favor.

**Article 4:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of Eighty Six Thousand Six Hundred Twenty Five Dollars (\$86,625.00) to cover the cost of tuition for special education students in establishing a tuition based Elementary Level Substantially Separate Classroom program at the Assawompset Elementary School and to create a revolving account for such purposes; provided, however, that such funds shall not be expended until such time as the Regional School District funds a full time special education teacher for the Assawompset Elementary School for the remainder of the 2009/2010 school year, and the Board of Selectmen and the Local School Committee enter into a memorandum of understanding concerning the administration and operation of the Elementary Level Substantially Separate Classroom, or take any action relative thereto.

Selectman Yeatts explained that the Town had asked the Region to lower the Town's assessment several times since they are in good financial shape, and the Local School is in very bad shape. They have now agreed to fund up to \$70,000 for two (2) Special Education (SPED) teachers. That would be one (1) teacher for Freetown and one (1) teacher for Lakeville, as long as it is legal. We are checking with Town Counsel on the legalities. The classroom will be a revenue generating classroom, with some students from Lakeville that used to go out of district and then seats for out-of-town students. Those out-of-town students would pay tuition to offset the cost. This would make the classroom become self sufficient. Selectman Yeatts said we need to keep the students in the district since it is very expensive to send them out. Ms. Garbitt added that the parents of the students would rather have their students remain in the district.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: To approve Article 4 in the amount of \$86,625, and to transfer the funds from the Stabilization Fund.  
Unanimous in favor.

**Article 5:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money and/or borrow a sum of money for the purpose of leasing and/or purchasing for a term of ten (10) years or less one (1) new Front-end Loader for the use of the Highway Department, or take any action relative thereto.

Christopher Peck, Superintendent of Streets, explained that the Highway Department is trying to purchase a new front end loader with Chapter 90 funds. The present loader is a 1984 and it is on its last legs. Mr. Peck does not want it to break down removing snow from intersections or loading the sand into the trucks. The price of a new loader is \$44,000 on the State bid list and the Town would be looking at a five (5) year lease. The first payment is not until December of 2010 in the amount of approximately \$28,000. The loader can be purchased at the end of the lease for \$1 and it has a three (3) year warranty. Selectman Evirs stated that there is Chapter 90 money available since the Town is not spending the \$100,000 a year for the gas leak at the Highway Barn.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: To approve Article 5.  
Unanimous in favor.

**Article 6:** To see if the Town will vote to establish a water supply and water distribution system under the authority of Section 39A of Chapter 40 of the General Laws, and will vote pursuant to Section 69A of Chapter 41 of the General Laws to authorize its Board of Selectmen to act as a Board of Water Commissioners, or take any action relative thereto.

Selectman Yeatts explained that this article is so the Town will be able to collect fees and betterments once the water tower is built. The following three (3) articles all relate to this. The Town cannot collect a penny unless there is a Board of Water Commissioners in place. This article is the start of that process and the Board of Selectmen will initially act as the Water Commissioners.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: To approve Article 6.  
Unanimous in favor.

**Article 7:** To see if the Town will vote to accept the provisions of G.L. c.44, ss53F ½, for the purpose of establishing a water facility enterprise fund, effective fiscal year 2010, for the revenues and payment of costs associated with water infrastructure improvement projects, to be

known as the Water Enterprise Fund, and further, to transfer a sum of money from the Water Infrastructure Improvements Stabilization Fund to the Water Enterprise Fund created hereunder and to appropriate the Water Enterprise Fund budget for 2010, or take any action relative thereto.

Selectman Yeatts explained that this article will establish a way to set up and collect fees. The Town will need to hire a part time person to take care of sending out the water bills and perform other work associated with the Water Commission. The Town will need to purchase software and hardware as the Town works towards taking over the water system. The oldest pipes in Lakeville are only about 20 years old, but the Town will need to set money aside to replace pipes as needed. Ms. Garbitt stated that the transfer is \$650,000 and it will leave approximately \$500,000 in the Water Stabilization Fund. The first payment for the State Revolving Fund loan will be \$250,000 and it is due July 1, 2010.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: To approve Article 7.  
Unanimous in favor.

**Article 8:** To see if the Town will vote to accept the provisions of M.G.L. c.40, ss42A through 42F, inclusive, or take any action relative thereto.

Selectman Yeatts explained that this article is about establishing a water supply, if in the future the Town wants to tap into its own water. This way it would already be approved, and the Town would not have to wait for another Town Meeting to do this. Mr. Goodfellow recommended that an explanation be provided so that the voters would know what this is about. Ms. Garbitt stated that she can add explanations under this or any other article.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: To recommend Article 8.  
Unanimous in favor.

**Article 9:** To see if the Town will vote to amend the official Zoning Map by rezoning from R-Residential to B-Business land on Main Street as described as follows: 237 Main Street, 239 Main Street (formerly McGuire property) now the Lakeville Assessors Office and 241 Main Street (formerly the Lakeville Public Library) now the Somethin's Brewin Café' And Book Store, or take any action relative thereto.

Darlene Donnelly, who is the petitioner, said she would wait to speak on the article at Town Meeting. Ms. Garbitt said the Planning Board did hold a hearing on this, but they did not issue a decision. They will meet prior to Town Meeting to render an opinion. A map will be attached depicting this area.

**Article 10:** To see if the Town will vote to accept DeMoranville Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift an easement of fee simple in the way and any related easements as shown on the plan on file with the Town

Clerk drawn by Culligan Engineering Co., Inc. entitled "Road and drainage As-Built DeMoranville Subdivision, Pickens Street, Lakeville, MA" dated November 8, 2007, or take any action relative thereto.

Ms. Garbitt explained that the Planning Board has recommended approval on this article. The Selectmen's approval was subject to a Certificate of Compliance from the Conservation Commission. Mr. Peck has stated that all of his recommendations have been completed.

Upon a motion made by Ms. Hopkins; seconded by Mr. Petruzzo it was:

VOTED: To approve Article 10.  
Unanimous in favor.

### **Review Intermunicipal Agreement between City of Taunton & Town of Lakeville**

Selectman Yeatts explained that this will be discussed at the Selectmen's meeting next Monday. The City of Taunton has voted on the agreement, but the Board does not have a copy of what they approved.

Upon a motion made by Ms. Hopkins, seconded by Mr. Petruzzo, it was:

VOTED: To adjourn the Finance Committee meeting at 8:05 PM.  
Unanimous vote.

### **Request from FAA to become member of Logan Airport Community Advisory Committee**

Ms. Garbitt explained that Lakeville falls within the area outlined by the FAA as a community that would be affected by a change of air traffic routes. The FAA is asking the Town to become a member of the Logan Airport Community Advisory Committee. A representative will be needed to attend the meetings. Selectman Evirs suggested advertising to see if a member of the community would be interested. If not, a member of the Board of Selectmen would be appointed. The Board asked the members of the press to ask for letters of interest by December 4, 2009 be sent to the Board.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To become a member of the Logan Airport Community Advisory Committee.  
Unanimous in favor.

### **Request from National Multiple Sclerosis Society for Annual Bike Ride to pass through Lakeville**

Ms. Garbitt stated that the Police Chief and the Fire Chief have signed off on the permit for the National MS Annual Bike Ride. The bicyclists will only be going down Long Pond Road in Lakeville. Last year, the Board asked them to distribute a leaflet to all the residents on Long Point Road so that they would be aware of this event. It will also be put on the website as well.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the National Multiple Sclerosis Society 26<sup>th</sup> Annual Cape Cod Getaway Bike Ride on June 26-27, 2010 with the same conditions as last year.  
Unanimous in favor.

**Discuss Conservation Restriction – Marcus Baptiste – Howland Road property**

Chairman Maksy recused himself from the discussion. Selectman Yeatts stated that due to the relocation of Route 79, turtle habitat needed to be recreated. A Conservation Restriction has been placed on 23 acres of Town owned land on Howland Road. It includes an access easement to Massachusetts Audubon and the State over an additional 5.9 acres. This was reviewed by the Division of Conservation Services and they requested several revisions, which they incorporated into their version. The revisions, collectively, clarify that the land subject to the Conservation Restriction is not intended for recreational and educational activities by the general public. This will be discussed again at the November 30<sup>th</sup> Selectmen's meeting.

**Request for Wardens and Volunteer Observers – M/L Herring Fishery Commission**

Chairman Maksy read the request from the Middleborough/Lakeville Herring Fishery Commission for the annual appointment of Fish Wardens and Volunteer Observers.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the appointment of Ronald Burgess, Bryant Marshall and Thomas Barron as Fish Wardens for a term ending September 30, 2012.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the appointment of Harold Atkins, Kristen Chin and Luke Leonard as Volunteer Observers for a term ending September 30, 2010.  
Unanimous in favor.

**Request for renewal of Temporary Trailer Permit-Pilot Construction – 2 Commercial Drive**

Chairman Maksy said the Board received a request for the renewal of the Temporary Trailer Permit for Pilot Construction at 2 Commercial Drive.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the renewal of the Temporary Trailer Permit for Pilot Construction at 2 Commercial Drive with an expiration date of December 15, 2010.  
Unanimous in favor.

**Request for renewal of Temporary Trailer Permit-Philip Sherman-19 Stetson Street**

Chairman Maksy recused himself and stepped away during the discussion as Mr. Sherman is a neighbor. Selectman Yeatts said the Board had received a request for the renewal of a Temporary Trailer Permit for Philip Sherman of 19 Stetson Street.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts, it was:

VOTED: To approve the renewal of the Temporary Trailer Permit for Phil Sherman of 19 Stetson Street with an expiration date of December 3, 2010.  
Unanimous in favor.

**Review and vote to approve Selectmen Meeting Minutes of September 28, 2009**

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of September 28, 2009 as presented.  
Unanimous in favor.

**Review and vote to approve Executive Session Meeting Minutes of September 28, 2009 and November 9, 2009**

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Executive Session Meeting Minutes of September 28, 2009 and November 9, 2009 as presented.  
Unanimous in favor.

**Schedule January and February Selectmen Meetings**

Chairman Maksy read the recommended meeting dates for January and February. The Board agreed to meet on January 11<sup>th</sup>, January 25<sup>th</sup>, February 8<sup>th</sup>, and February 22<sup>nd</sup>.

**Request for appointment of Call Firefighters**

Chairman Maksy read a request from Daniel Hopkins, Fire Chief, to appoint additional Call Firefighters.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following as Call Fighters: Edward Harkey, Chaplain, Michael McCullough, Wayne Morse, Richard Nolan, Robert Porazzo, and Jason Vigers with a term from November 23, 2009 through November 14, 2010.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following as Call Fighters/EMT's: Ryan Maltais and Glenn Edington, Jr., with a term November 23, 2009 through June 30, 2010.  
Unanimous in favor.

**Any other business that may properly come before the Meeting.**

Chief Sorel explained that when the Police Officers were laid off, they were asked if they would like to be appointed as Reserve Police Officers. They would be able to do detail work if they were. Chief Sorel said that Ryan Maltais requested to be appointed as a Reserve Police Officer.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Ryan M. Maltais as a Reserve Police Officer with a term to expire July 31, 2010.  
Unanimous in favor.

Chairman Maksy stated that he wanted to update the Board on the last Regional School Committee meeting that he attended. The Regional School Committee hired Michael Ward as permanent Business Manager. Chairman Maksy said he was not sure if the advertisement was done correctly since he thought the position was for Interim Business Manager. Ms. Garbitt stated that Mr. Ward has a ten (10) month contract, and they voted to hire him as Business Manager, not as interim. The contract has not been signed yet. She did not know if the salary was different than the Interim position. The position was only posted internally as far as she knew. Discussion occurred regarding the meaning of Interim. Chairman Maksy stated that he would like Ms. Garbitt to look into this a little further to make sure they have done this correctly. Selectman Yeatts stated that the Regional School Committee did this against the Superintendent of School's advice.

**Other Items**

1. Notice of grant for Lakeville Animal Shelter – Pedigree Adoption Drive Foundation  
Ms. Garbitt stated that Ms. Craig applied for a grant from the Pedigree Adoption Drive Foundation for the Animal Shelter. The Animal Shelter was awarded \$656.53.
2. Memo from Town Counsel regarding Conflict of Interest – Changes to Mandatory Education Requirements
3. Memo from Town Counsel regarding Lapse of Variances & Special Permits
4. Notice of workshop – Plymouth County Cooperative Extension
5. Letter from Plymouth County Registry of Deeds regarding FY10 Update
6. Notice regarding petition of Bay State Gas Seeking Approval of its Three Year Energy Efficiency Plan
7. Notice from Verizon regarding 3<sup>rd</sup> quarter PEG Payment
8. Notice from Comcast regarding changes in service

9. SRPEDD Meeting Notice-December 2, 2009

Ms. Garbitt mentioned that Seth Pickering will be the guest speaker at the SRPEDD meeting on December 2, 2009. There is also a local School Committee meeting that night. Selectman Yeatts said she would attend the Local School Committee meeting. Chairman Maksy will attend the SRPEDD meeting. Ms. Weston will email the information about this meeting to the Lakeville Development Corporation members to see if a representative would be interested in attending.

10. Letter from DEP regarding Project Approval – DWSRF – 3226

Carl Peirce of Peirce Avenue mentioned the Standard Times newspaper article reporting an incident with the Chief of Police and a Police Officer. He wanted to know if the Selectmen were or would be looking into this incident. Chairman Maksy explained that it was a personnel issue and handled through Collective Bargaining. He does not know how the Board can answer this. He would like to defer the question to Town Counsel. Chairman Maksy said the matter never made it to Step Two of the Grievance Procedure, so the Board was not involved in the discussions. Further discussion took place on this issue. Ms. Garbitt will contact Town Counsel to ask what the response of the Board should be to Mr. Peirce's question.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To adjourn the meeting at 8:55 PM.  
Unanimous in favor.