

SELECTMEN'S MEETING
Monday, February 8, 2010

On February 8, 2010, 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 Fred Parmenter – Twin Coach Estates

Fred Parmenter was present for the discussion. Ms. Garbitt stated that back in November, she had received a letter from the Twin Coach Estates Park Operator, Cory Farcas, looking for permission to hook up to Taunton's water line for emergency situations. Mr. Parmenter stated that the requirement for an emergency situation hookup is a Department of Environmental Protection (DEP) regulation. This is in the event of a failed or contaminated well. Right now emergency water is by a tank that is located on site. DEP would prefer that there be a physical water line for emergency use only. There are hydrants in the Park right now, but not enough water for fire protection.

Selectman Yeatts asked what would the Town's liability be if the Park's pipes cannot take the pressure when the water storage tank is on line. She noted that other places have underground water storage tanks and pump the water out for emergency purposes. Mr. Parmenter said the Park owner is in the process of setting that up, but they still need an emergency hook up. Selectman Yeatts asked about the hydrant out on Route 79. Could they run a line in from that. Mr. Parmenter responded that they cannot do that without your permission. Selectman Evirs stated that because of the Special Permit that was issued quite a few years ago by the Zoning Board of Appeals, on page 5, going to page 6, "responsibility is the park operator, no business of any kind is to be taking place within the confines of the park with the exception of the coin operated machines in the buildings". Lakeville would have to have a meter each and every building. When Comcast was brought into the Park, every one had to be a Comcast customer. If we did that then, we are responsible for the piping all the way to the meter. He said Clark Shores has a private water supply, and DEP does not require them to have an emergency hookup. Selectman Yeatts said she did not understand why they cannot have just the hydrant for fire protection. Selectman Evirs said the DEP is looking for an emergency drinking water source, not just fire protection. Mr. Parmenter said the Park is currently operating at 75-90 for water pressure right now. Chairman Maksy asked what the infrastructure piping was. Mr. Parmenter said they have plastic pipe. Chairman Maksy said he is not sure if that would be acceptable to tie-in to. Perhaps a gate valve could be installed, so that if their pump fails, then we open it up and we would have to master meter it.

Selectman Evirs was concerned about if the Park was billed for water, the operator would try to raise the rent to all the homes since he has a water bill, and he cannot do that. Selectman Yeatts said her concern is the liability to the Town of Lakeville. Selectman Yeatts would like this to be reviewed by Town Counsel to see what our liability would be. Mr. Parmenter said that the Park does not have a big storage tank. Selectman Evirs said the Board needed to be mindful

that the Town would have to reserve thousands of gallons of water a day that may be needed to be allocated to the Park. Chairman Maksy said the ideal situation would be to put a system in there with meters to all units, but who would have the responsibility for the piping. Selectman Evirs said that would be covered by the betterments. Selectman Yeatts said we have our hands full right now constructing our own water improvements. Mr. Parmenter said they know it will not be available until Lakeville's system is up and running. Selectman Evirs noted that is still over a year away. Mr. Parmenter said we would need 30,000 gallons a day. We are only looking for a temporary situation, not a permanent situation.

Chairman Maksy said we are trying to get more gallons allocated. We could not authorize any additional gallonage right now. Maybe DEP could designate a 30,000 gallon emergency allocation and not have it removed from our regular allocation. He said that we would also have to ask Taunton to see if they would even allow this. Selectman Yeatts said the Board would have to take this under advisement since the water storage tank is still a year away. Chairman Maksy asked who the engineer is for the Park. Mr. Parmenter responded they are working with Prime Engineering. Selectman Yeatts said this could be a potential future endeavor. Mr. Parmenter noted that if the well fails tomorrow, they would have to truck water in. Selectman Evirs said the Board will take this under advisement until the water storage tower is up and running. In the meantime, we can look at metering each home and take a look at the infrastructure and how it branches out.

7:05 PM Meet with Robert Rounsevell regarding land donation on County Street

Robert & Ethel Rounsevell and Bruce Kuechler were present for the discussion. Mr. Kuechler stated that the Rounsevells were interested in donating two (2) pieces of property to the Town. The land is located across the street from Captain Bubs Marina and goes all the way to Route 140. The Board expressed their thanks to the Rounsevells for protecting and saving land. Selectman Yeatts mentioned that the land is adjacent to Town owned land, which will not be built on. This will help with Conservation Restrictions and habitat situations that the Town runs into in the future. Ms. Garbitt stated that the Board of Selectmen is authorized to accept donations of land. Selectman Evirs stated that the Board cannot put a conservation restriction on the land tonight. Town Meeting would have to approve that. Chairman Maksy explained that the intent is to have this property remain as open space. Mr. Rounsevell stated that there is approximately 13 acres of land.

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

VOTED: To accept the donation from Mr. & Mrs. Robert Rounsevell of two (2) parcels of land, totaling approximately 13 acres) .
Unanimous in favor.

7:30 PM Earth Removal Permit hearing: Emery & Ilene Orrall – Rhode Island Road

Selectman Yeatts read the Public Hearing notice into the record.

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

VOTED: To open the Public Hearing at 7:37 PM.
Unanimous in favor.

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

VOTED: To continue the Public Hearing until March 22, 2010 at 7:00 PM at the request of the applicants so they can address concerns brought up by the Planning Board and the Highway Department.
Unanimous in favor.

**Discuss Modification of 40R Plan Approval and review Zoning Board of Appeals petition:
KCLS Construction**

Selectman Yeatts read the letter from Jonathan White of KCLS into the record. The Board did not have any concerns with the modification of the 40R Plan Approval. Ms. Garbitt stated that she is going over the numbers regarding how many units are permitted and how many are actually built.

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

VOTED: To send a letter of support to the Planning Board regarding the modification of the 40R plan approval for Kensington Court – Residences at Lakeville Station.
Unanimous in favor.

The Board reviewed the Zoning Board of Appeals petition for a variance for Kensington Court.

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

VOTED: For Ms. Garbitt to forward a letter to the Zoning Board of Appeals that the Board of Selectmen has no concerns with the variance for the 40' side lot line setback for the wastewater treatment facility.
Unanimous in favor.

8:00 PM Meet with Paul McGillis regarding DEP's letter relative to Morse Sand & Gravel

Paul McGillis was present for the discussion. Ms. Garbitt stated that the next meeting of the Board of Selectmen is scheduled for the February 22, 2010. The next Board of Health meeting is February 24, 2010. It is assumed that they would discuss the letter they received from DEP regarding Morse Sand & Gravel. Chairman Maksy stated that DEP put the responsibility back on the Board of Health. DEP said the appropriate authority is the Department of Transportation. Chairman Maksy suggested that Mr. McGillis request to be on the Board of Health's agenda. Mr. McGillis stated that he has called the Police Department when there has been noise, and they

say that they have more important calls to respond to. Chairman Maksy stated that they are not disputing the noise with the DEP, but there may be another route to take to make a complaint.

Mr. McGillis stated that he has gotten copies of the letters and at the last Selectmen's meeting, presented pictures to the Board. He has three (3) letters from the Building Department that tell Morse not to use the Frate's parcel. They just keep continuing to ignore the judge's order telling them not to use that piece of land. Mr. Iafrate wrote to Morse asking for a response regarding the chemical storage at the storage trailer and the use on the Frates property. Morse did not respond regarding the Frates property, but he did respond regarding the storage facility. Mr. Iafrate had a telephone discussion with Mr. Almeida, and they came to an agreement regarding the Frates property. However, Mr. McGillis would like something in writing. Ms. Garbitt stated that she spoke to Mr. Iafrate regarding that. Morse stated that there was a snow storm, and they needed to use it for parking. Mr. McGillis stated Morse just uses it, and no one wants to enforce it.

Chairman Maksy said he did not know what authority Mr. Iafrate had to enforce the judge's decision. You can go to the Zoning Board of Appeals if you are not happy with his decision. The Town does not have the resources to continue legally with this matter. Mr. McGillis said if he had disregarded a judge's order, he would not be sitting here. He spoke to Dan Hopkins, Fire Chief, after he went to the property and spoke with Mr. Almeida. He said that they do not mix the chemicals in the trailer, but they do pump them out of the trailer. That trailer is specifically for storage, period. Chairman Maksy said storage means storage. Selectman Evirs told Mr McGillis that you can petition the ZBA regarding this matter.

Mr. McGillis said he also spoke to Ms. Garbitt regarding the property at One Fern Avenue. They received a building permit to construct a garage. That is a residential piece of property, and they have received a permit for a commercial building. Ms. Garbitt said Mr. Iafrate did issue a building permit to renovate the garage, but not a permit to run a business there. Mr. McGillis said there is a bunch of tow trucks there. Ms. Garbitt said if you file a complaint with Mr. Iafrate, he would have to act on it.

Mr. McGillis said he appreciated the Board's help, but his family and his neighbors are the ones impacted by this. He needs to address this until it is resolved. Chairman Maksy told Mr. McGillis that he might want to investigate the Department of Transportation's responsibility. Mr. McGillis said he hoped to get some answers after chasing this for seven (7) years.

Discuss scheduling Selectmen meetings for March, April and May

Chairman Maksy will not be available on March 22, 2010. It was decided to have a light agenda as this will be Selectman Evirs last meeting. It was the consensus of the Board to schedule the next Selectmen's meetings for March 8th, 22nd, April 6th, 12th, and 26th at 7:00 PM.

Discuss dates for the 2010 Annual Town Meeting

Ms. Garbitt told the Board that if the Town wanted to apply for Green Communities grant money in the first round, we would need to hold Town Meeting by May 14, 2010. The House

budget numbers typically come out in March. The Ways and Means budget numbers do not come out until June. Ms. Garbitt said that according to the Town's by-law, warrant articles for the Annual Town Meeting are due by March 8, 2010. This topic will be revisited again at the February 22, 2010 meeting.

Review and vote to sign Interim Loan Documents – SRF Loan

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

VOTED: (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$4,800,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed June 15, 2009 (Article 18), which authorized a total borrowing of \$4,800,000 for the drinking water project referred to therein (the "Project"); (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$4,800,000; and (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement.
Unanimous in favor.

Revisit Water Connection applications – Marcus Baptiste-Precinct Street

Ms. Garbitt stated that the water connections would be pending approval from the City of Taunton and the DEP. Minor discussion occurred.

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

VOTED: To authorize Ms. Garbitt to sign the water connection applications contingent upon receiving \$30,000 being placed in escrow for the betterments.
Unanimous in favor.

Discuss Appointment of Representative to Negotiating Subcommittee for Teachers Contract

Chairman Maksy stated that he could serve on the Subcommittee until April 5, 2010, but the representative is supposed to be the Chairman of the Board and that will change after the election. Ms. Garbitt asked Chairman Maksy if he would be serving on both the Subcommittee and the Collective Bargaining Committee. Selectman Evirs said yes, the representative would be on both. The Subcommittee is the small group that meets with the Union. Ms. Garbitt said the Subcommittee is meeting Feb 9, 2010 at the Superintendent's office.

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

VOTED: To appoint Derek Maksy as the Representative to the Negotiating Subcommittee for the Teachers' Contract with Selectman Yeatts as the alternate.
Unanimous in favor.

Review Memo regarding Sanding of Private Roads

Ms. Garbitt stated that she made the revisions that the Selectmen had requested, and Chris Peck, Superintendent of Streets, put together a cost regarding the sanding of Private Roads. She would like the Board to take a look at the cost estimate and then approve the revised memo. The Highway Department will only go out if it is deemed an emergency, and Mr. Peck understands that. During the last storm there were only three (3) calls. Chairman Maksy asked that before any bills go out that the Board review the bill. Chairman Maksy said he was concerned about residents getting in the habit of calling the Town because they are getting a better rate through the Town. Selectman Evirs stated that residents do not want people to see one road was charged one price and another road a different price.

Discuss letter from National Development regarding status-Lakeville Hospital Property

The letters regarding the status of the former Lakeville Hospital Property were read into the record.

Discuss 40B Conference – February 16, 2010

Chairman Maksy stated that he cannot attend the Conference, but Jeannette Barnes of the Standard Times will be holding a conference with other Selectmen in the area, and they are looking for someone from Lakeville to attend and speak on 40Bs. Selectman Yeatts will attend.

Discuss Request to use Town House – Apponequet Boosters – April 2nd & April 3rd

Chairman Maksy said the Board had received a request from the Apponequet Boosters to use the Town House for their annual plant sale. Chairman Maksy noted that the Superintendent of Schools signed off on the use. Selectman Evirs asked if the Boosters had insurance, as they did not submit the waiver. Ms. Craig stated that she thought the Region has insured the Boosters to use the Town House for their events, but it was only for the Christmas Tree sale. Ms. Craig stated that they signed a release hold and indemnity, but that was for the previous use. Chairman Maksy stated that the Board will revisit this at their February 22, 2010 meeting. He requested that the dates be reserved for the Boosters, subject to the signing of the waiver and receiving insurance.

Announce H1N1 Flu Vaccination Clinic-February 13, 2010

Selectman Yeatts read the announcement from the Board of Health into the record. The clinic will take place on February 13, 2010 at the Senior Center.

Discuss Green Communities Planning Assistance Program and Appointment of Committee

Chairman Maksy stated that the Town needed to form a committee for the Green Communities Planning. Ms. Garbitt stated that she would like to reach out to residents and other Boards and Committees for members with expertise to step forward and serve on the committee. The Town was awarded a grant for a consultant, Bluewave Strategies, who will assist the Town in planning and meeting the criteria to move forward. She would like the Board to ask for letters of interest for serving on the committee. Chairman Maksy said the Board should decide who will be on the Committee and develop a charge for the committee. Ms. Garbitt said she does have a resident who is interested in being on the committee. She suggested asking for a response by February 26th so that it can be voted on March 8, 2010 meeting. It was decided to request a member of the Planning Board, Park Commission, Conservation Commission, Lakeville Development Corporation, and Board of Selectmen serve on this committee.

Discuss two (2) Proposals for half doors for three (3) Town Departments

Discussion took place on the proposals for half doors for three (3) Town Departments. Both doors being half doors in the Selectmen's office would be good for visibility. It will also help with people not walking into the offices when the employees are working. It was decided that the Building Department would receive their door first, then the Board of Health, and then the Selectmen's Office.

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

VOTED: To approve Proposal #1, using the existing doors, subject to funding being available, for a total of \$1,709.40.
Unanimous in favor.

Review request from Wage & Personnel regarding a By-Law

Selectman Evirs recused himself from the discussion. Ms. Garbitt stated that there was some confusion on what the Town accepted back in the 90's regarding the Wage & Personnel Plan. The Plan was presented to Town Counsel and they said the Plan is the Rules and Regulations for the Board, but the Classification/Wage scale should be adopted by Town Meeting. Chairman Maksy said if someone put a line item in for a Town Planner of \$45,000, it then gets approved at Town Meeting, then the position is approved. They do not have to see the actual job description. Ms. Garbitt said if there are no changes in positions, and we are just doing across the board raises, the Compensation/Wage Scale does not have to go to Town Meeting. It could be brought forward each year, but in essence when Town Meeting approves the budget, they are approving the raises. The Classification/Wage scale itself is what Town Meeting should approve when there is a change. Chairman Maksy said the Wage and Personnel Board is asking to use Town Counsel to have this bylaw drawn up. He believed it should be done. Ms. Garbitt said it should only take Town Counsel a couple hours to do that. Ms. Garbitt will get an estimate.

Discuss Revenue Projections for FY 2011 Budget

Selectman Yeatts stated that Revenue Projections are looking a little better by having \$519,778 to spend this year. Further discussion took place on the FY11 Budget as submitted in the packet and what is in the conservative estimate column for notes. The Town should meet the revenues for FY10. The Town gets their largest motor vehicle excise commitment in March. Some Towns are reporting a drop of as much as 15%. Selectman Yeatts said we will stick with being conservative right now. Net School Spending is up, but it was a moderate increase. The Town should not need to budget \$440,000 for unemployment, but will have to budget something. Selectman Yeatts said we have received the summary of the Local School budget, and will use the number they are submitting. Under Health Insurance, we are budgeting for one (1) family plan for the school and one (1) for the Town, in case an employee has a qualifying event.

Review and vote to approve Selectmen's Meeting Minutes: November 23, 2009 (5:00 PM) and December 7, 2009

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

VOTED: To approve the Selectmen's Meeting Minutes of November 23, 2009 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of December 7, 2009 as presented.
Unanimous in favor.

Old Business

Selectman Yeatts discussed the electricity for the Peach Barn at Betty's Neck. She said we have spent money for the past few years for all the breaks in we have had up there. Mike Gravel, a volunteer that is working at the Peach Barn, has agreed to investigate the process of having electricity installed. Selectman Yeatts said she had spoken with Jerry Fields from Middleborough Gas & Electric Department, and the building is all wired for electricity. Now she needs to talk with John Decas about putting up poles. She presented the plans for the Board to view. A discussion occurred about installing solar panels or wind turbines instead of installing electrical lines. Selectman Yeatts will investigate renewable energy alternatives and report back to the Board.

New Business

There was no new business presented for discussion.

Other Items

1. Letter from Cemetery Commission regarding Precinct Cemetery

Chairman Maksy stated that the trees are being donated to help insure the safety of people visiting the cemetery.

2. Letter from Old Colony Regional District Budget Subcommittee regarding budget process – FY11
3. Invitation to attend Art Exhibit by Grade 4 Assawompset School students
4. Information on salt shed storage from Chris Peck, Superintendent of Streets
Chairman Maksy asked that this information be kept on file, however, he does not know the life expectancy of a covering. He would rather keep employees than purchase a cover that may become old and need to be replaced again.
5. Standard Times Article regarding Crapo Hill Landfill
6. Memo from Town Counsel regarding Intermunicipal Agreements
7. Memo from Town Counsel regarding Update on Green Communities Programs
8. Memo from SRPEDD regarding Cooperative Purchasing Program
Ms. Garbitt stated that Kingston does a cooperative purchasing agreement for their office supplies. Lakeville is a member of this cooperative. Typically, we do much better going out to bid on our own. This information has been forwarded to John McCarthy, Superintendent of Schools, since both the Town and the schools will save if both did this. Chairman Maksy stated that this is about reverse purchasing, ask for what you want and people bid on it.
9. Notice from SRPEDD of Annual Assessment – FY11
10. Notice of 28th Annual Transportation Breakfast – February 26, 2010
11. Plymouth County Commissioners Meeting agenda – January 27, 2010
12. Notice of Workshop – Diesel Waste Collection Vehicle Retrofit Program Grant
13. Citizen Planner Training Collaborative Spring Conference – March 20, 2010
Ms. Garbitt stated that the Spring Conference is about building sustainable communities. This is on a Saturday and is an all day conference. This information was forwarded to the Planning Board and the Finance Committee.
14. Letter from Blue Cross/Blue Shield regarding changes to the COBRA subsidy
Selectman Evirs stated that with the change in the requirements, we need to budget something for this. Ms. Garbitt said we deduct the cost quarterly on our 941 Tax Submittal. Selectman Evirs said we are still paying for 65% of a health insurance policy, even though the employee no longer works for the Town.
15. MMA Legislative Alert Bulletin
16. City and Town publication
17. Notice from Comcast – Annual Form 500
Chairman Maksy asked if Verizon has to do this also? Ms. Garbitt said yes.
18. Notice from Comcast regarding New Triple Play Bundles
19. Notice from Verizon – Annual Form 500
20. Letter from Verizon regarding Community Service
21. Mass Interchange Newsletter
22. Wright Pierce Insights Newsletter
23. Letter from Mass Audubon regarding Workshop on Land Use Change & Development
Selectman Yeatts said her suggestion was to coincide this with what Horsley and Witten is doing. Chairman Maksy said perhaps that would be a speaker for you for the Regional Selectmen’s meeting. Selectman Yeatts stated that the Regional Meeting is scheduled for

February 25th, but she is thinking of moving it up to March 4th or 11th since she cannot get the Library for February 25, 2010.

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

VOTED: To adjourn the Selectmen's meeting at 10:05 PM.
Unanimous in favor.