

SELECTMEN'S MEETING
Monday, September 28, 2009

On September 28, 2009, the Board of Selectmen held a meeting at 6:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Maksy at 6:00 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 Lakeville Arts Council regarding 5th Annual Arts & Music Festival

Members of the Lakeville Arts Council were present. Joanne Upham spoke about the upcoming 5th Annual Arts and Music Festival. She went over some of the events scheduled. The Festival will take place on Saturday, October 3, 2009 from 10:00 AM to 4:00 PM.

7:15 PM Presentation of donation check to Lakeville Animal Shelter

David Frates, Animal Control Officer, and Chris and Judy Wicks from Peaceful Meadows was present. Mr. Frates was present to accept a donation check in the amount of \$1,408.13 from the customers of Peaceful Meadows Ice Cream in Middleborough. Mr. Wicks said that they had placed donation cans on the counter of the business, and this is what was raised during the month of August.

Discuss request from Town of Raynham to board dogs-Lakeville Animal Shelter

Ms. Garbitt stated that the Town of Raynham had contacted Mr. Frates regarding entering into a boarding contract with the Town of Lakeville for their animal shelter. Their current facility is closing, and they need to relocate. Mr. Frates felt that the shelter would be able to accommodate the Raynham dogs, based on conversations with the Raynham Dog Officer regarding their number of dogs. He said that the Raynham Dog Officer visited the Lakeville shelter and was impressed with it. Ms. Garbitt recommended that the Board of Selectmen sign an agreement with Raynham until the end of the year on a trial basis. Selectman Yeatts stated that Raynham will bring the dogs to Lakeville. Lakeville is not responsible to bring the dogs in from Raynham. Mr. Frates responded that is the way it happens with all the other Towns under contract to use the shelter. Ms. Garbitt added that Mr. Frates would like to raise more revenue at the shelter and adding Raynham to the mix would be a good way to do this.

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

VOTED: To enter into a contract with the Town of Raynham to board their dogs at the Lakeville Animal Shelter with the same conditions as with the other Towns using the shelter.
Unanimous in favor.

Vote to sign Public Way Easement for Anderson Way

Ms. Garbitt stated that the Grantors attorney has to record the easement and certify it.

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

VOTED: To sign and accept the easement for Anderson Way and to maintain the public way.
Unanimous in favor.

Revisit amendment to BETA Engineering contract for Highway Barn gasoline cleanup

Ms. Garbitt explained that Town Counsel has reviewed the amendment to the BETA Engineering contract. However, Christopher Peck, Superintendent of Streets, would like to add two (2) conditions. This has been submitted to DCAM for their approval, but the Town has not heard back from them, and their approval would be needed. He also needs approval from MassHighway to use Chapter 90 funds.

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

VOTED: To sign the amendment to the BETA Engineering contract with two conditions: that MassHighway is contacted for approval of using Chapter 90 funds and that DCAM also submits their approval.
Unanimous in favor (abstain by Chairman Maksy)

Discuss setting a fee for Curb Cut Permits

Discussion took place on the topic of setting a fee for Curb Cut Permits. Selectman Evirs asked if other Towns charge for a curb cut. Ms. Garbitt said she will check into this. Selectman Yeatts would also like to know if other towns charge a fee, and what amounts that they charge if they do. Ms. Garbitt will survey other Towns and put this back on a future agenda.

Review bid results and award bid-#2 Heating Fuel Oil

Ms. Garbitt recommended that the bid for #2 Heating Fuel Oil be awarded to Standish Oil since they are low bidder on the delivery fee. Their maintenance fee is \$75 per hour. Standish Oil also comes out right away, whenever there is a problem. No maintenance is offered by the Dennis K. Burke Co., and they are on the State bid list. Coletti's prices are higher for both delivery and maintenance.

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

VOTED: To award the bid for #2 Heating Fuel Oil to Standish Oil with a delivery fee of \$.174 per gallon and a maintenance fee of \$75.00 per hour for the period of October 9, 2009 through September 30, 2010.
Unanimous in favor.

Request to issue Resolution of Support regarding Updating the Massachusetts Bottle Bill

Selectman Yeatts explained that she attended a meeting where they did an entire presentation on the Bottle Bill. However, when she looked up the actual Bill with Nancy Goulart from Dighton, it was not like the Bill they saw and what was voted on at the MMA meeting. She is requesting that this matter be put on hold since it is not the Bill that was presented. Selectman Evirs added that the Town will lose revenue for the recyclables, if they make them redeemable. Ms. Garbitt stated that she did not have Ms. Craig draw up a resolution since she had heard about the conversation between Selectman Yeatts and Nancy Goulart. This matter will be tabled.

Request from Lakeville Historical Commission for letter of support for historical booklet – Rotch Estate

Ms. Garbitt stated that usually the Chairman of the Board of Selectmen signs the letter of support. Ms. Craig prepared a draft letter for the Board to review.

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

VOTED: To sign and issue the Letter of Support for the joint venture of the Lakeville Historical Commission and Preserve Our Lakeville Landmarks in publishing a fifth historical booklet - The Rotch Estate.
Unanimous in favor.

Request from Park Commission for two One Day All Alcohol Licenses

Chairman Maksy said there were requests from the Park Commission for two (2) One Day All Alcohol Licenses.

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

VOTED: To approve the One Day All Alcohol License at Ted Williams Camp for Nicole Sheahan's 40th birthday party on October 17, 2009 from 1:00 PM to 5:30 PM.
Unanimous in favor.

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

VOTED: To approve the One Day All Alcohol License at Ted Williams Camp for the Haunted House Volunteer Thank You Party on November 1, 2009 from 6:00 PM to 11:00 PM.
Unanimous in favor.

Discuss request from MBTA Advisory Board regarding survey

Ms. Garbitt stated that the MBTA Advisory Board would like the Selectmen to go on line to fill out the survey. The deadline is October 15th to do this survey.

Review and vote to approve Selectmen's Meeting Minutes: March 26, 2009; May 4, 2009; May 11, 2009; June 24, 2009; and September 11, 2009

Upon a motion made by Selectman Yeatts; seconded by Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Selectmen's Meeting Minutes of March 26, 2009 as presented.
Unanimous in favor (Selectman Evirs abstained).

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

VOTED: To approve the Selectmen's Meeting Minutes of May 4, 2009 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 11, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Selectmen's Meeting Minutes of June 24, 2009 as presented.
Unanimous in favor (Selectman Evirs abstained).

Upon a motion made by Selectman Yeatts; seconded by Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Selectmen's Meeting Minutes of September 11, 2009 as presented.
Unanimous in favor (Selectman Evirs abstained).

Review and accept Executive Session Meeting Minutes: March 26, 2009; May 4, 2009; May 18, 2009 and September 14, 2009

Upon a motion made by Selectman Yeatts; seconded by Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of March 26, 2009 as presented.
Unanimous in favor (Selectman Evirs abstained).

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of May 4, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of May 18, 2009 as presented.
Unanimous in favor (Selectman Evars abstained).

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of September 14, 2009 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that the Ted Williams Commissary Renovation Committee met last week and received a resignation from David Fisher. The Committee felt that they did not need a replacement.

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

VOTED: To accept the letter of resignation from David Fisher from the Ted Williams Commissary Renovation Committee and to send him a letter of thanks.
Unanimous in favor.

Ms. Garbitt stated that that she and Selectman Yeatts have been working on the easements for the water line extension to get them signed. In addition to having all the homeowners signing them, the Board of Selectmen has to vote to accept them. Discussion occurred regarding the properties. There are seven (7) properties altogether. Town Counsel is certifying the title for all the Town owned properties that are involved. Discussion took place regarding betterment and user fees. Chairman Maksy asked for an update on this topic at the next meeting. Selectman Yeatts stated that the Board should have a draft of the IMA (Inter Municipal Agreement) by the next meeting.

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

VOTED: To accept and sign the easements for the water line extension to the seven (7) properties on Bedford Street that will be connected to the new water line extension.
Unanimous in favor

Other Items

1. Letter from Dick Riccio regarding Lakeville Police
Ms. Garbitt noted that the officer was Sean Joyce.

2. Notice from GRAIS regarding fundraising effort for Lakeville Animal Shelter
Selectman Yeatts read the letter into the record.
3. Letter from Secretary of State regarding 2010 Census
4. Letter from State Ethics Commission regarding changes to the State's Conflict of Interest Law
Selectman Evirs explained that this matter came up at a previous meeting about the new Ethics Laws and requirements, and he wanted to make sure the Board is on top of this. Ms. Garbitt stated that she called Town Counsel and found out that the law takes effect September 29th. The Town will have to supply elected and appointed officials with the summary. Once a year when all the appointed and elected officials sign for their sections of their personnel plan, they have to sign that they received this. Also, employees must provide a notice of completion of the test. They have to go online to do this, and the Town Clerk will have to keep track of it. This is another unfunded mandate.
5. Letter from Comcast regarding 1st half PEG payment
6. Letter from Department of Energy Resources regarding Green Communities Program Planning Assistance award
Chairman Maksy asked if Ms. Garbitt had gotten a chance to look at the letter from the Department of Energy Resources regarding Green Communities. She responded that she had and that she designated Robert Iafrates, Building Commissioner to work on it with her. Mr. Iafrate has forwarded a draft charge for the Energy Committee. After the Town meets with Blue Waves Strategy and gets an idea of who the Board of Selectmen would like on the committee, this can move forward. The Town of Middleborough has the General Manger from the Gas & Electric Department (G&E) sitting on their committee. Ms. Garbitt will forward the charge to Chairman Maksy as has been received from Mr. Iafrate.
7. Information from Department of Revenue UST Grant Program
8. Notice of Lt. Governor's Listening Tour Stop – October 1, 2009
Ms. Garbitt noted that the Governor's Listening Tour Stop will be this Thursday, October 1st from 10 am to 11:30 am at the Brockton Public Library on Main Street. It is not known if it is similar to the one that the Board attended in Plymouth. Chairman Maksy might be available to attend.
9. DOR Bulletin – Summary of 2009 Municipal Finance Law Changes
Ms. Garbitt noted that the update is the Regionalization Bill and was wondering if this is the one that Representative Steve Canessa sponsored. Selectman Yeatts responded that it was.
10. MMA 7th Annual Municipal Calendar Photography Contest
11. SEED News Releases (2) and Monthly Update
12. Notice of Seminars-Massachusetts Coalition for Small System Assistance
13. The Municipal Wire-Cable & Telecommunications Update
14. Information from Aeronautica Windpower
Chairman Maksy noted that the Board members should have a packet on Aeronautica Windpower, which is the manufacturer, not the retailer. However, they are gearing up to sell a lot of windmills in this area, and they have a lot under contract. If a Town puts up a windmill somewhere, and the school uses \$500,000 of electricity a year, and the windmill generates \$600,000, then the additional power can be offset (\$100,000) with other energy bills around the Town. If Lakeville fully Regionalizes, the Town should look into this to see if it would work. This may be something that Lakeville needs to look with Freetown

since it is half their bill as well. This will be forwarded to Bill Garvey, Chairman of the Lakeville Development Corporation (LDC) for their board to look at. The Selectmen will bring a copy along tonight to provide to the Freetown Selectmen.

15. COA Newsletter

Chairman Maksy stated that there will be a home energy audit seminar on October 21st at 9:30 AM at the Senior Center. This is a free seminar for residents. The program is open to anyone in the community, not just senior citizens.

At 7:17 PM, upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To continue the Selectmen's meeting with the Freetown Board of Selectmen in Freetown to discuss applying for an Education Reform Spending Waiver for FY10 for the Regional School District.
Unanimous in favor.