

**TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
January 27, 2014 - 7:00 PM**

On January 27, 2014, 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. LakeCAM was recording the meeting. Matthew Ferreira was present and recording for the Middleboro Gazette.

7:00 PM Meet with Fire Chief to Review Ambulance Rates and to Amend the Policy

Daniel Hopkins, Fire Chief, was present for the discussion. Ms. Garbitt suggested that the Board change when the review of the Ambulance Rates takes place from November to January, since the rates for Medicare do not come out until January. The Policy needs to be in line with what the Town is actually doing. Chief Hopkins asked the Board if they want to remain with the current rates or make a change. Selectman Powderly asked where the person is transported to when picked up in an ambulance. Chief Hopkins answered that it depends on the injuries. There are three (3) levels: Basic, AL1 and AL2. The cost for a Basic Service Run is \$979. There are also mechanisms in place to deal with hardship cases. Selectman Powderly stated that he would suggest adopting Comstar's rates. Chairman Belliveau suggested changing the Ambulance Policy review date to February.

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

VOTED: To adopt the Comstar 2014 Medicare Fee Schedule.
Unanimous in favor.

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

VOTED: To amend the policy to read that the Selectmen will review the ambulance rates every February.
Unanimous in favor.

Review and Vote on Designation of Assistant Animal Control Officers and Independent Snow Plowing Contractors as Special Municipal Employees

Ms. Garbitt stated that currently Jared Darling holds three (3) part time, paid positions with the Town. Laurice Hedges holds two (2) part time, paid positions. The Town Accountant has recently brought it to her attention that since the individuals hold more than one (1) position with the Town, the positions must be designated as Special Municipal Employees (Chapter 268A Section B or C).

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

VOTED: To designate Assistant Animal Control Officers as “Special Municipal Employees” pursuant to Mass General Laws 268A Section 1N.
Unanimous in favor.

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

VOTED: To designate Independent Snow Plowing Contractors as “Special Municipal Employees” pursuant to Mass General Laws 268A Section 1N.
Unanimous in favor.

Review the Charge of the Energy Advisory Committee

Ms. Garbitt spoke of the need to revise the Charge for the Energy Advisory Committee to reflect the current needs of the Committee. Discussion ensued regarding the composition of the Committee. The Selectmen requested additional information, and would like some input from the Energy Advisory Committee. This will be tabled until the next meeting.

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

VOTED: To table this item until the next Selectmen’s Meeting.
Unanimous in favor.

Review the Charge of the Casino Advisory Committee

Chairman Belliveau discussed the membership of the Casino Advisory Committee. Ms. Garbitt said that there were issues getting a quorum of members. The Board agreed that at this time, there is only a need for one (1) Selectman on the Committee. Selectman Powderly stated that he would serve on the Committee as the Selectman delegate.

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

VOTED: To amend the charge of the Casino Advisory Committee to nine (9) members, effective January 27, 2014, with the following members: John Powderly – Selectman, Donna Winters - Finance Committee Representative, Joseph Chamberlain - Conservation Representative, Linda Grubb - Open Space Representative, Nelson Pratt - at large member, Mark Downing - at large member, Robert Dunn - at large member, Maureen Candito - at large member, and Daniel Cooney - at large member.
Unanimous in favor.

Revisit Town Clerk’s Request to amend Political Sign Bylaw

Ms. Garbitt noted that the Town Clerk has asked that her request to amend the Political Sign Bylaw be tabled. She has decided to request that the Selectmen adopt a policy or guidelines for

political signs instead of a bylaw. Once the Town Clerk has a draft to present to the Board, she will request to meet with the Board to discuss it.

Review District Local Technical Assistance (DLTA) Grant Program for FY14

Ms. Garbitt told the Board that the Town had previously been awarded grant funds under this program and had its Housing Production Plan done. She asked if there was something that the Selectmen would like her to apply for. The Board suggested sending the Grant Information to the Economic Development Committee and Open Space Committee to see if there is something they might want the Town apply for.

Announce LakeCAM's Reorganization

Chairman Belliveau noted that the Board had received a notice from LakeCAM regarding the reorganization of their Board of Directors. Robert Marshall has resigned as President and will become the Interim Part Time Executive Director. Jose Invencio is the new President, and James Kenney is the Treasurer. Donald Foster will remain as Vice President and Clerk.

Discuss the offer from the Department of Conservation and Recreation to purchase 636 acres of Town Owned Land-Howland Road

Chairman Belliveau said that the Board had received an Offer to Purchase the 636 acres of Town Owned Land on Howland Road from the Department of Conservation and Recreation. Selectman Powderly asked if the Town would be in a position to earmark where the money will go, such as to debt or something that is direly needed. Ms. Garbitt explained that she spoke to Lynne Foster from Unibank. Ms. Foster will speak to Bond Counsel about the effect of the tax code on this transaction. The note on the property is not a callable note, so there may be a penalty to pay. There is an approximate \$150,000 balance on the bond. Chairman Belliveau suggested that the Board come up with ideas to earmark the funds. Shaun Provencher is forwarding the necessary warrant article to Ms. Garbitt for Town Counsel's review.

Vote to approve contract with Town of Middleborough for Nursing Services for the Board of Health

Chairman Belliveau asked if this is for the inspection of the tattoo parlor. Ms. Craig responded that this contract provides for regular nursing services, reporting tuberculosis, communicable disease, etc. Donna Palmer inspects the tattoo parlor through a separate contract. A discussion occurred regarding who would sign the contract. Ms. Craig said that Middleborough prepares the contract, and their Board of Selectmen sign the contract. It was decided that the Board would sign the contract.

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

VOTED: To sign the contract with the Town of Middleborough for Nursing Services for the Board of Health, which will run January 29, 2014 to January 28, 2015.
Unanimous in favor.

Discuss Request from Plymouth County Mosquito Project for Support of Mosquito Control Funding – FY15

Selectman Powderly stated that Plymouth County Mosquito Project is requesting that the Town of Lakeville support their request for funding for FY15. Ms. Craig noted that, according to their Town Report for 2013, they answered 415 calls in Lakeville for spraying with a three (3) days or less spray time, applied insecticide, and cleaned out water ditches and catch basins. Selectman Powderly stated that he did not think that the State performs adequate spraying for mosquitoes. They do not spray early enough, and only spray when there is a crisis. Selectman Powderly questioned if spray requests were actually answered as he has an alarm on his property, and it has not gone off when he requested spraying. Selectman Powderly stated that he does not support their request. Ms. Garbitt stated that last year, Anthony Teixeira, Superintendent, came before the Board asking for support. It was noted that the part time mosquito control employees receive health benefits, and their Commissioners receive stipends and health insurance.

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

VOTED: To send a letter of support to the Plymouth County Mosquito Control Project.
In favor 1, Against 2 (Selectman Powderly and Selectman Belliveau).

Request for Road Race-Cornerstone Community Church – May 3, 2014

Chairman Belliveau said a request has been received from the Cornerstone Community Church for a road race on May 3, 2014. Ms. Craig noted that Chief Alvilhiera is aware of the race. Selectman Powderly stated that he would like a letter from the Chief making sure that they have adequate Police Details.

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

VOTED: To table the request until the Police Chief has provided his comments.
Unanimous in favor.

Discuss Letter of Interest from Maureen Candito to serve on the Rent Control Board

Chairman Belliveau said that a letter of interest was received from Maureen Candito to serve on the Rent Control Board.

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

VOTED: To appoint Maureen Candito to serve on the Rent Control Board with a term to expire July 31, 2014.
Unanimous in favor.

Confirmation for Town Accountant to Transfer Funds for Police Lieutenant Wages for FY14

Ms. Garbitt stated that the Board had approved an appointment for a Lieutenant mid-year, but there was not a line item on the budget for this transaction. There needs to be a transfer of funds from the Sergeants' wages, Patrolmen's Wages, and Unused Sick Leave Bonus to the Lieutenant's Wages. This can be placed on the next scheduled Special Town Meeting. The Town Accountant needs this as a line item, since she cannot deficit spend in this area.

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

VOTED: To approve the Confirmation for the Town Accountant to Transfer Funds for the Police Lieutenant Wages for FY14.
Unanimous in favor.

Request from Police Chief for appointment of Recruit Police Officer – Anthony Keaney

Chairman Belliveau said that a memo was received from the Police Chief stating that he was requesting that Anthony Keaney be appointed as a Recruit Police Officer. Mr. Keaney would be entering the March 31, 2014 Police Academy. If Mr. Keaney is unable to get into the Police Academy for this session, Chief Alvilhiera will return to the Board requesting a waiver.

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

VOTED: To appoint Anthony Keaney as Recruit Police Officer upon successful completion of a physical, physical abilities testing, and psychological exam, effective March 31, 2014 until his successful completion of the Police Academy.
Unanimous in favor.

Request from Police Chief for appointment of Reserve Officer – Robert Stephanian

Chairman Belliveau said the Board received a request from Police Chief Alvilhiera to appoint Robert Stephanian as a Reserve Officer.

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

VOTED: To appoint Robert Stephanian as Reserve Officer, contingent upon successful completion of a physical and physical abilities testing. His appointment will be on a probationary term until July 31, 2014.
Unanimous in favor.

Request for Constable Reappointment – Herve Vandal

Chairman Belliveau reviewed the letter from Herve Vandal requesting reappointment as a Constable.

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

VOTED: To appoint Herve Vandal as Constable with a term to expire January 28, 2015.
Unanimous in favor.

Request for Appointment of Cory Leeson as Volunteer Observer – Middleborough/Lakeville Herring Fishery Commission

Chairman Belliveau reviewed the request for appointment of Cory Leeson as a Volunteer Observer for the Middleborough/Lakeville Herring Fishery Commission.

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

VOTED: To appoint Cory Leeson as Volunteer Observer for the Middleborough/Lakeville Herring Fishery Commission with a term to expire September 30, 2014.
Unanimous in favor.

Request for One Day Liquor License for Park Commission – February 15, 2014, February 21, 2014 and March 8, 2014

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

VOTED: To approve the request for a One Day All Alcohol License on February 15, 2014, from 12:00 PM to 12:00 AM for Lions Comedy Night; on February 21, 2014; 12:00 PM to 12:00 AM for a 40th Birthday Party and on March 8, 2014 from 12:00 PM to 12:00 AM for a Soccer Fundraiser.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes for July 15, 2013, July 29, 2013, November 4, 2013 and November 18, 2013

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

VOTED: To approve the Selectmen Meeting Minutes of July 29, 2013, and November 18, 2013 as presented and to approve July 15, 2013 with the addition of a period on page 2, 2/3's of the way down the page.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of November 4, 2013 as presented.
Two (2) in favor, One (1) Abstention (Belliveau).

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of January 6, 2014

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

VOTED: To approve the Executive Session Meeting Minutes of January 6, 2014 as presented.
Unanimous in favor.

Old Business

Selectman Burke asked if it had been determined when the Park Commission would be back to meet with the Selectmen regarding their business plan for Loon Pond Lodge. Ms. Garbitt stated that she has sent them a memo requesting they attend a Selectmen's meeting in February. However, the Park Commission would prefer that the Selectmen attend a Park Commission meeting. Selectman Burke and Selectman Powderly stated that they would be happy to attend one of their meetings. Chairman Belliveau mentioned that he spoke with Daniel Hopkins briefly about the matter, and he will bring this matter up with the Park Commission tonight at their meeting. We would like to have this discussion before the budget process begins, so we don't find out in March that there is a money problem. Chairman Belliveau stated that he will contact Mr. Hopkins tomorrow and find out what the outcome of the discussion was with the Park Commission.

Joe Abaticola asked how the Town is doing with the billing for snow plowing for the School Department. Ms. Garbitt responded that the Town has billed the Region for snow removal at Assawompset Elementary School and salt for the Region.

New Business – Vote to Authorize the Town Administrator to sign the Assent and Waiver of Notice Regarding a Gift to the Animal Shelter from the Estate of Geraldine Moskoff

Ms. Garbitt said that the Animal Shelter has been named in the Will of Geraldine Moskoff as a beneficiary. The Estate has sent an Assent and Waiver of Notice that will need to be signed for the sale of real estate.

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

VOTED: To authorize the Town Administrator to execute the Assent and Waiver of Notice regarding the Petition for the Sale of Real Estate in the matter of the Estate of Geraldine Moskoff.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt and Chairman Belliveau spoke about the MMA Annual Trade Show. Information has been received from the Governor indicating that monies for Chapter 70 will increase \$25.00

per student. The Governor urged that the Towns support his Pension Reform Bill, however, the MMA does not believe it is sustainable.

Other Items

1. Memo from Lakeville Permanent Fire Fighters Association regarding change of Union Officers
2. Memo from Open Space Committee regarding Howland Road Property
3. Invitation from Old Colony Regional Vocational Technical High School for a member of the Finance Committee to attend Budget Subcommittee Meetings
4. Letter from National Grid regarding Natural Gas Safety Information
5. Letter from Department of Revenue regarding FY14 Tax Rate Review

At 8:10 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 will have a detrimental effect on the negotiating position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to pending litigation because an open meeting will have a detrimental effect on the bargaining position of the Board, and the Chair so declared.

Polled vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Burke-Aye.

List of documents

1. Comstar ambulance billing service Newsletter
2. Ambulance service billing and collection policy and procedures adopted May 9, 2011
3. Instructions for disclosure by Special Municipal Employee under G.L.C.268a 20(c)
4. Energy Advisory Committee Charge
5. Casino Advisory Committee Charge
6. SRPEDD Technical Assistance Application for Local Technical Assistance Request Form
7. LakeCAM, Inc. Organizational announcement
8. Letter from Department of Conservation and Recreation regarding 636 acre parcel on Howland Road
9. Middleborough Health Department Contract with the Lakeville Board of Health
10. Plymouth County Mosquito Control Project Notice of Public Meeting to present and discuss its preliminary proposed budget for FY15
11. Letter from South Shore Race Management, LLC on behalf of Cornerstone Community Church
12. Letter of interest from Maureen Candito for Rent Control Board
13. Confirmation for Town Accountant for classification change for FY14 budgetary line items

14. Police Officer Appointment request from Police Chief Frank Alvilhiera
15. Reserve Officer Appointment request from Police Chief Frank Alvilhiera
16. Letter from Herve Vandal regarding Constable Reappointment
17. Letter from M/L Herring Fishery Commission requesting appointment of Cory Leeson as Volunteer Observer
18. Applications for One Day Liquor Licenses for Lions Comedy Night, birthday party and soccer fundraiser
19. Minutes of July 15, 2013
20. Minutes of July 29, 2013
21. Minutes of November 4, 2013
22. Minutes of November 18, 2013
23. Assent and Waiver of Notice regarding a gift to the Animal Shelter from the Estate of Geraldine Moskoff