

**TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
January 28, 2013 - 7:00 PM**

On January 28, 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 Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Belliveau and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow of The Middleboro Gazette and a representative from LakeCAM were recording the meeting.

**7:00 PM Meet with Park Commissioners regarding Lease for Karate Studio--
CANCELLED**

**7:15 PM Meet with Fire Chief to discuss Ambulance Rates for 2013 and Fees for Fire
Department Permits**

Daniel Hopkins, Fire Chief, was present for the discussion. He explained that he would like to bundle the services for a set price with billing for the ambulance. Minor further explanation was provided by Chief Hopkins.

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

VOTED: To change to a bundled rate for Comstar Ambulance Billing Service as presented by the Fire Chief, and to set the Ambulance Billing Rate at 150% above the Medicare rate.
Unanimous in favor.

Chief Hopkins said that he would like to increase the Fire Alarm Installation Permit to \$50 from \$20. He then went over the other changes that he would like to make on the fee schedule for the Fire Department, which will be effective February 1, 2013. There was a discussion regarding the Commercial Fees that the Fire Chief would like to increase. The Selectmen asked the Fire Chief to return to the Board with additional information on the increase of the Commercial Fees.

Discussion took place on how the Selectmen would like to set up various accounts to fund big items like Fire Department Equipment, Highway Department Vehicles, etc. Ms. Garbitt stated that the law has changed, allowing Towns to set up as many Stabilization Funds as needed. The Town will be able to designate them. Ms. Garbitt stated that Ambulance 3 will be paid off this year, and Ambulance 4 will be paid off in 2014. Chief Hopkins stated that T.L. Edwards sent a check for the gravel removal at the Camp in the amount of \$98,000. So far the total received is \$298,000. Approximately \$300,000 has been spent for renovations of the Commissary Building.

7:30 PM Meet with Building Commissioner to discuss Fees for Building Department Permits and his recommendation to amend Section 8.7 of the Zoning By-Law

Robert Iafrate, Building Commissioner, was present for the discussion. He stated that it had been approximately four (4) or five (5) years since the Building Department fees had been reviewed. He then explained the changes, additions and deletions that he would like to make with respect to other types of items that may be installed in the future, such as solar panels and windmills. The fees would vary, depending if it was residential or commercial.

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

VOTED: To accept the revised Building Department Fees, effective February 1, 2013.
Unanimous in favor.

Mr. Iafrate reviewed Section 8.7 of the Zoning By-Law for Temporary Licenses with the Board. These Temporary Licenses are now issued as an annual permit. He has prepared new definitions and by-law for the Selectmen and Planning Board to review. Mr. Iafrate then reviewed the conditions of use.

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

VOTED: To forward the revisions of the Temporary Licenses, Section 8.7 to the Planning Board for their review and for them to schedule the necessary public hearings.
Unanimous in favor.

7:45 PM Meet with Town Moderator and Lakeville Members of Regional School District Committee to appoint replacement Member to Old Colony Regional Vocational Technical High School Committee

Present for the discussion were: Aaron Burke, Town Moderator and the Lakeville Members of the Regional School Committee: David Goodfellow, Carolyn Gomes, David Davenport and John Olivieri Jr. Aaron Burke, Town Moderator, called the meeting to order at 8:15 PM. Mr. Burke stated that the purpose of the meeting was to appoint a replacement member to the Old Colony Regional Vocational Technical School Committee to replace Robert Marshall, who had resigned. Mr. Burke stated that Sylvester Zienkiewicz had expressed his interest in filling Mr. Marshall's term. Selectman Powderly then read the letter from Mr. Zienkiewicz expressing his interest in filling the position.

Upon a motion made by Mr. Olivieri; seconded by Mr. Davenport it was:

VOTED: To appoint Sylvester Zienkiewicz to fill the remainder of Robert Marshall's term on the Old Colony Regional Vocational Technical School Committee until April 30, 2013.
Unanimous in favor.

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

VOTED: To appoint Sylvester Zienkiewicz to fill the remainder of Robert Marshall's term on the Old Colony Regional Vocational Technical School Committee until April 30, 2013.
Unanimous in favor.

8:00 PM Meet with Lakeville Community Access Media representatives to discuss letter to Comcast regarding Lakeville PEG Access Programming

Robert Marshall, James Kenney, Donald Foster and Jose Invencio of LakeCAM were present for the discussion. Mr. Marshall explained about the discussions that have taken place since last April regarding PEG Access Programming for Freetown. He said that LakeCAM has always been ready and willing to talk about programming. Lakeville subscribers are paying to receive their broadcast, however, Freetown is not. They are receiving the educational and public channel broadcast for free. Prior to the September takeover, they had been receiving all the channels without paying anything. When Lakeville took over programming on September 17, 2012, Lakeville PEG Access was charged with providing the programming. Mr. Marshall said that conversations had taken place with Richard Brown, the Freetown Town Administrator and with Mary O'Keefe of Comcast. He wanted to have a meeting with all parties to discuss the matter. However, every time he has tried to arrange for a meeting, it has not happened. This has been going on for about five (5) months. Mr. Marshall said it was reported in the Middleboro Gazette that Freetown made an arrangement with the Town of Middleborough for programming and broadcast. However, Freetown still receives broadcast from Lakeville's Channel 20.

Mr. Marshall said that LakeCAM has sent Comcast a letter requesting that they shut the broadcast signal off to Freetown. However, Comcast responded that unless the Lakeville Selectmen request it, they cannot do that. Selectman Belliveau stated that he did not think that as a Board, the Selectmen have the authority to shut off the connection. This would be under LakeCAM's authority. However, we are also trying to get along with our neighbors. Chairman Maksy stated that he has spoken with Jean Fox, Freetown Selectwoman, and she said that Freetown dropped the ball on this. Mr. Kenney stated that in order to move forward, he would like Freetown to make contact with Lakeville and take the initiative with a time frame and conditions set into place. Mr. Marshall expressed his concern over Freetown having an agreement in place with Middleborough. Also, Freetown is saying that they don't have an active Cable Committee. Mr. Foster stated that it would be preferable if Freetown was allowed one last opportunity to sit down and discuss the matter. Mr. Marshall agreed, however, added that he did not want this to continue on indefinitely. Ms. Garbitt stated that she would contact Mr. Brown tomorrow about adding this matter to the agenda for the meeting between the Lakeville and Freetown Selectmen on Thursday evening. Chairman Maksy stated that Lakeville has made the decision to shut off programming to Freetown, according to the letter provided for the Board's signature. Mr. Marshall stated that he will contact someone in Freetown before Thursday evening to attempt one (1) more meeting to clear this matter up. Chairman Maksy stated that he would like to ask Selectman Powderly to work with Mr. Marshall on this. Selectman Powderly stated that the topic needs to be on Thursday evening's agenda.

Announce Legislative Breakfast at Library on February 8, 2013 from 8:00 AM 10:00 AM

Ms. Garbitt noted that the Lakeville Library would be hosting the Southeastern Massachusetts 2013 Library Legislative Breakfast on February 8, 2013 from 8:00 AM to 10:00 AM. Olivia Melo, Library Director, will be giving a presentation on the Lakeville Library being the FEMA Center for the Floods of 2010.

Discuss proposed date for a Budget Workshop for the Regional School Committee, Freetown and Lakeville Selectmen and Finance Committees

Ms. Garbitt said that Ms. Hyzienga is proposing a date of Saturday, February 9, 2013 from 9:00 AM to 12:00 PM for a Budget Workshop with the Regional School District Committee and both Boards of Selectmen and Finance Committees. She will notify the Finance Committee to see if they are available to attend.

Review and vote on two (2) items in the 43 D Permitting Guide

Chairman Maksy mentioned the two (2) items that the Board needed to discuss in the 43D Permitting Guide. The first item was the non-refundable application fee of \$400.00. The second item was the process for submittal of the application package.

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

VOTED: To have the application fee for the 43D Permitting be \$400.00.
Unanimous in favor.

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

VOTED: That the verification of the application package would be when it is submitted to the Town Clerk for the official time stamp, then the applicant will carry the application to the Permit Coordinator.
Unanimous in favor.

Review Request for Proposals for Town Carpenter

Robert Iafrate, Building Commissioner, was present for the discussion. Chairman Maksy explained that he felt that having a Town Carpenter to perform routine maintenance on Town Owned Buildings would be beneficial. Mr. Iafrate has reviewed the proposal and made some minor revisions. Ms. Garbitt stated that the total amount of work would be \$1,000 to \$15,000 annually and subject to Prevailing Wage.

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

VOTED: To approve the Request for Proposals for Carpentry Services for Town Owned Buildings.
Unanimous in favor.

Discuss response from Planning Board regarding proposed changes to Curb Cut Bylaw

Ms. Garbitt stated that the Planning Board recommended omitting the words “Board of Selectmen or its designee” in the first paragraph of the Curb Cut By-law and insert the words “Superintendent of Streets”. She recommends the Board of Selectmen keeps the original language, in the event that the Superintendent of Streets is not available.

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

VOTED: To keep the wording as Board of Selectmen or its designee and send to the Planning Board and request that they hold a public hearing on the proposed changes.
Unanimous in favor.

Discuss Response from Planning Board regarding Middleborough Rotary Alternatives

Chairman Maksy recused himself from the discussion on the Middleborough Rotary Alternatives. Ms. Garbitt said that Nancy Yeatts, Town Planner, had attended the meeting that the Department of Transportation (DOT) held regarding the Middleborough Rotary Alternatives. The Planning Board had asked Ms. Yeatts to prepare comments for the Selectmen to review before they are forwarded to Mass DOT. Ms. Garbitt said that the Conservation Commission will probably have comments too.

Discuss renewal of contract with Town of Middleborough for Nursing Services

Chairman Maksy said that the Board of Health contracts with the Town of Middleborough for Nursing Services. They are requesting the approval of the Selectmen.

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

VOTED: To renew the contract with the Town of Middleborough for Nursing Services with a term to expire January 28, 2014.
Unanimous in favor.

Review Request from Tiverton Town Council to adopt Resolution opposing proposed tolls on Sakonnet River Bridge

Chairman Maksy read the request from the Tiverton Town Council asking that Lakeville adopt a Resolution opposing proposed tolls on the Sakonnet River Bridge. Selectman Belliveau stated that he did not understand how the Resolution applies to Lakeville. Selectman Powderly stated that he cannot envision where they will safely put in a toll booth without causing accidents. No action was taken by the Board.

Review request from Town of Dudley to support legislation to establish a maximum cap on Local Minimum Contribution portion for School Funding

Chairman Maksy read the request from the Town of Dudley to support legislation to establish a maximum cap on Local Minimum Contribution portion for school funding. Selectman Powderly stated that he felt that the matter was limited to Net School Spending. It was decided to forward this to the Finance Committee.

Request from Lakeville Litter Lifters for Annual Earth Day Celebration-April 6, 2013

Chairman Maksy read the request from the Lakeville Litter Lifters for the Annual Earth Day Celebration on April 6, 2013.

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

VOTED: To approve the request of the Lakeville Litter Lifters to use Tamarack Park for their annual Earth Day Celebration on April 6, 2013 and to use a dump truck from the Highway Department.
Unanimous in favor.

Request from Lakeville Arts Council to use Town House and Dickran Diran Square for 2013 Arts & Music Festival

Chairman Maksy read the request from the Lakeville Arts Council to use the Town House and Dickran Diran Square for the 2013 Arts & Music Festival.

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

VOTED: To approve the request from the Lakeville Arts Council to use the Town House and Dickran Diran Square for the 2013 Arts and Music Festival on October 5, 2013, with the same conditions and stipulations as put in place last year.
Unanimous in favor.

Request from National Multiple Sclerosis Society for permission to pass through Lakeville for Cape Cod Getaway MS Bike Ride-June 29, 2013 and June 30, 2013

Chairman Maksy read the letter from the National Multiple Sclerosis Society for permission to pass through Lakeville for the Cape Cod Getaway MS Bike Ride on June 29, 2013 and June 30, 2013. Ms. Garbitt stated that the residents on Long Point Road wanted some type of notification when the bike races go through their area. Ms. Craig will put notification on the Town Sign and on the website. The organizer will be requested to also provide notice to the Long Point Road residents.

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

VOTED: To approve the request of the National Multiple Sclerosis Society to pass through Lakeville for their Cape Cod Getaway MS Bike Ride on June 29 and June 30, 2013.
Unanimous in favor.

Request for Appointment of Volunteer Observer for Middleborough/Lakeville Herring Fishery Commission

Chairman Maksy read the request from the Middleborough/Lakeville Herring Fishery Commission for the appointment of a Volunteer Observer.

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

VOTED: To appoint Adam Barkley of Lakeville as a Volunteer Observer for the Middleborough/Lakeville Herring Fishery Commission with a term to expire September 30, 2013.
Unanimous in favor.

Request for Constable Reappointment-Herve Vandal, Jr.

Chairman Maksy read the request from Herve Vandal, Jr. to be reappointed as Constable for the Town.

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

VOTED: To reappoint Herve Vandal, Jr. as Constable with his term to expire January 28, 2014.
Unanimous in favor.

Request from Old Colony Elder Services to appoint Vicki Souza as Lakeville Representative

Chairman Maksy read the request from the Old Colony Elder Services Board to appoint Vicki Souza as Lakeville's representative.

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

VOTED: To appoint Vicki Souza as the Lakeville Representative to the Old Colony Elder Services with her appointment to expire June 30, 2013.
Unanimous in favor.

Request for Appointment of Justin Bradley to Technology Committee

Chairman Maksy read the request from Lakeville resident Justin Bradley to be appointed to the Town's Technology Committee.

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

VOTED: To appoint Justin Bradley to the Technology Committee with a term to expire July 31, 2013.
Unanimous in favor.

Request for Appointment of Representatives to Project Review Committee

Ms. Garbitt stated that a representative is still needed from the Conservation Commission and the Board of Selectmen has not appointed anyone to the Project Review Committee.

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

VOTED: To appoint Selectman Powderly to the Project Review Committee for 43D with a term to expire July 30, 2013.
Unanimous in favor.

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

VOTED: To appoint James Marot, Robert Poillucci, David Goodfellow and Matthew Perkins to the Project Review Committee for 43D with terms to expire July 30, 2013.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of September 10, 2012; September 24, 2012 and November 5, 2012

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

VOTED: To approve the Selectmen's Meeting Minutes of September 10, 2012, September 24, 2012, and November 5, 2012 as presented.
Unanimous in favor.

Review and vote to approve Executive Session Meeting Minutes of January 7, 2013

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

VOTED: To approve the Executive Session Meeting Minutes of January 7, 2013 as presented.
Unanimous in favor.

New Business: Resignation of Marilyn Mansfield as Graves Officer

Ms. Garbitt said that she had received a letter of resignation from Marilyn Mansfield as Graves Officer. She held this position in conjunction with the Veterans' Agent appointment.

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

VOTED: To accept the resignation of Marilyn Mansfield as Graves Officer.
Unanimous in favor.

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

VOTED: To appoint Robert Mello as Graves Officer with a term to expire April 30, 2013.
Unanimous in favor.

Any other business that may properly come before the meeting

Review Bid for Project Management Services for Green Communities Grant Projects

Chairman Maksy stated that the Town received one (1) response to the Project Management Services for Green Communities Grant Projects Request for Proposal. He asked if Mr. Porter was a member of the Energy Advisory Committee. Ms. Garbitt said no, he was not, but he did assist the Committee.

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

VOTED: To award the bid for Project Management Services to Administer the Town of Lakeville's Green Communities Grant Projects to James Porter in the amount of \$12,500 and to authorize the Town Administrator to sign the contract.
Unanimous in favor.

Discuss Draft Regulation for Gaming Commission regarding Surrounding Communities

Ms. Garbitt stated that she forwarded the draft regulations to the Casino Advisory Committee. Chairman Maksy asked what the Town's comment would be on this. Ms. Garbitt responded that 12 or 25 miles might be considered a surrounding community. Chairman Maksy mentioned that maybe this should be presented to Town Counsel to review and offer a one (1) paragraph response. Ms. Craig handed a copy of the Board's previous comments to Chairman Maksy. Ms. Craig read what a surrounding community means from the proposed legislation. Selectman Belliveau stated that it sounds ambiguous, like the Town has no protection. It was decided that the Town's comment would be that Lakeville is a surrounding community and our roads would be impacted, so any community that abuts it would be a surrounding community.

Ms. Garbitt stated that she attended the Planning Board meeting last Tuesday night. They reviewed the Medical Marijuana Law. The Planning Board did vote to go with a Temporary Moratorium Warrant Article until June 30th.

Selectman Belliveau stated that he and Ms. Garbitt went to the Massachusetts Municipal Association meeting last Friday. At the budget workshop, it was stated that if Towns are not contributing to Net School Spending, they would only receive \$25 per student. They fully anticipate a mixture of 1% or a smaller increase or decrease on the sales tax. The Chapter 70 money is fixed, but the House and Senate could propose a lower number.

Other Items

1. Letter from Police Chief regarding 2013 Plymouth County Drug & Alcohol Resistance Education Summer Program (DARE)
2. Letter from Department of Fire Services regarding awarding of FY13 Student Awareness of Fire Education (S.A.F.E.) Grant
3. Copy of memo from Board of Health regarding South Coast Rail 5 Year Update on Community Priority Areas
4. Letter from Architectural Access Board regarding LeBaron Hill Country Club
5. Letter from Department of Agricultural Resources regarding 12 Apple House Road
6. Copy of letter to DEP regarding Bi-Monthly Sanitary Landfill & Transfer Station Inspection Report-December 14, 2012
7. Notice from Department of Energy Resources regarding receipt of contract document for Green Communities
8. Copy of letter sent to the Finance Committee from Old Colony Regional Vocational Technical High School regarding budget process FY14
9. Letter from Mass DOT regarding Gateway Commons Comments
10. Letter from Major General Jimmie Jaye Wells regarding Lakeville Reservists
11. Advisory from State Ethics Commission regarding Making and Receiving Recommendations for Employment
12. Meeting agenda from January 9, 2013 for Middleborough Gas & Electric
13. Letter from Northeast Utilities regarding Emergency Service Response of Public Utility Companies – Acts of 2012
14. Mass Wildlife Advisory
15. Newsletter from Fall River Office of Economic Development
16. 2012 Certificate of Compliance from DHCD for our 40R Smart Growth Zoning District
17. Thank you and announcement for Kopelman & Paige

At 9:25 PM, upon a motion made by Selectman Belliveau; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session pursuant to M.G.L. c.30A, §21(3) and not return to open session to discuss strategy in preparation for negotiations with the new unions because an open meeting may have a detrimental effect on the negotiating position of the Board and 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 Maksy-Aye, Selectman Powderly-Aye, and Selectman Belliveau-Aye.