

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**December 19, 2011 - 7:00 PM**

On December 19, 2011, 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 Olivier at 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Maksy and Selectman Belliveau. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. James Cosgrove of Comcast was recording the meeting.

**7:00 PM Public Hearing for Junk Dealer and Junk Collector Licenses-Binh Duong-69 Main Street, Unit 1**

*David Rose was present for the discussion, along with Binh Duong and wife Lee.* Chairman Olivier read the legal notice into the record.

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

VOTED: To open the Hearing for a Junk Dealer and Junk Collector License for Binh Duong at 69 Main Street, Unit 1.  
Unanimous in favor.

Mr. Rose stated that there should be another name for this type of permit rather than calling it a junk permit. Mr. Duong and his wife run a nail and spa shop already in the plaza. They buy and sell antiques and collectibles and would like a storefront. The property is located at 69 Main Street. They keep the property clean and neat. There will be no yard sales and nothing will be outside for sale. Ms. Garbitt explained that there is an old statute that if someone wants to sell anything used, they need to apply for this type of permit. Ms. Craig then read a portion of M.G.L. Chapter 140, Section 154, titled Junk Dealer, the Purchase Sale of Junk, and Second Hand articles, where it states "the term "junk" includes old, second hand or previously used, discarded or scrapped articles or materials of any type whether collected, held or stored for salvage, sale, exchange, recycling, processing, conversion or any other purpose". Selectman Maksy stated that he agreed with the Chairman that this is the selling of second hand items and antiques, but not junk.

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

VOTED: To close the Hearing for the Junk Dealer and Junk Collector Licenses.  
Unanimous in favor.

Selectman Maksy stated that the Town needs to promote business, and he sees no problem with this business. Ms. Craig stated that the Town Clerk will issue the license. The licenses will be issued annually.

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

VOTED: To approve the Junk Dealer and Junk Collector Licenses to Binh Duong for 69 Main Street, Unit 1.  
Unanimous in favor.

### **7:30 PM Meet with the Water Advisory Committee to review their recommendations**

*Sylvester Zienkiewicz, Chairman of the Water Advisory Committee, was present, along with members of the Water Advisory Committee.* Mr. Zienkiewicz stated that the Water Advisory Committee has met every two (2) weeks since July of 2011. There was a lot of work for the Committee to do. The Committee reviewed a 55 page document of what other municipalities charge for water. The Town needs something in place for the next customer that comes along, so that they know the rates to tie into the water line. A few things have been changed, and it will be similar to how Middleborough charges for water. The basic question is who pays for what. The Water Enterprise Account can only charge the people that it serves. If the Water Enterprise Account does not make enough money, then the Town has to pay what is necessary and due. The only problem is that there are not nearly enough customers to pay the capital costs at this time. That is pretty typical though. It assumes that you will build the system and add customers as you go along.

Mr. Zienkiewicz said that one of the issues that came up during the summer was the betterment issue on Bedford Street. The cost to run the new water line was approximately \$330,000. This betterment is small, but the next one will have more customers, so this will solve itself. The pipes that will be put in the ground are for those that want to buy the water. The committee has been good with the nuts and bolts, but to really get down to it, someone should look into the how the Town of Dighton's Water System works. The faster the Water Department starts charging for building the system and charging the connection fees, the better off the Town will be. The next project is to do a test run on a master meter. This entails reading off of one (1) meter to see if the rest of the meters come out with the same figures. If it does not, then they will have to tweak things. Chairman Olivier explained that the Bridgewater House of Correction is on the Town's loop. The water comes from Elders Pond, so we have to make sure of this since Taunton wants to continue to bill the correction facility. Mr. Zienkiewicz stated that there are several ways to do this. He has copies of some surveys that were done. Chairman Olivier stated that the Town will have Taunton bill Lakeville for all its meters, and then Lakeville will turn around and bill the customers using the water.

Selectman Maksy explained that the Water Advisory Committee was charged with coming up with rates, betterments and rules and regulations over the past six (6) months. The Board now needs to know what their next step is. The Selectmen then need to see how they will adopt what the Water Advisory Committee has come up with. Mr. Zienkiewicz stated that with the betterments, the Water Advisory Committee felt that there should be a public hearing with those who would be getting assessed the betterment. Chairman Olivier stated that he liked the business plan and the pro forma that was presented by the Water Advisory Committee. Douglas Mills mentioned that back in October, the Board of Selectmen agreed to meet with those that would be assessed a betterment. He would like to see that the Selectmen meet with everyone prior to

making any decisions. Further discussion took place on the particulars. Chairman Olivier stated that the first section of the report contains information that everyone should know and read.

Richard Tinkham, the former Water Superintendent for 36 years in Middleborough, explained that the typical water pressure in Middleborough was 110-115 pounds. It is a little lower in South Middleborough, about 100-110. There is an elevated water storage facility in Middleborough, which produces that kind of pressure for the Town. Without a water tower, it would be only about 60-62 pounds of pressure. Mr. Tinkham stated that the Town is doing this right by starting off with good infrastructure. Selectman Maksy stated that he would like to look at the needs of the Town to obtain the customer base. Mr. Zienkiewicz stated that what the Town wants is a lot of people taking showers. Parking lots and businesses do not use a lot of water. The closer the houses are together, the easier it is to put a pipe in.

### **Review request from the Fire Chief to declare Engine 3 as surplus**

*Daniel Hopkins, Fire Chief, was present for the discussion.* Chief Hopkins stated that the Fire Department has just taken delivery of its newest used fire truck and would like to declare the old one (Engine #3) as surplus. The Department will be basically taking the hose and equipment that can still be used from it. It can then be declared as surplus and put out to bid to be awarded to the highest bidder.

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

VOTED: To declare Engine #3 as surplus.  
Unanimous in favor.

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

VOTED: To set a minimum bid for the surplus engine of \$2,000.  
Unanimous in favor.

### **Vote to sign Acceptance of Deed from John & Carole Sterling for property located on Main Street (Map 58-3-8)**

Ms. Garbitt stated that the taxes are paid through the end of the year for the Sterling property located on Main Street. The Selectmen are being asked to accept the deed so that it can be recorded at the Registry of Deeds prior to December 31, 2011. Everything is in place for acceptance by the Board. Selectman Maksy asked why this wasn't taken by eminent domain. Ms. Garbitt responded that the Town has never done that with donated land. Selectman Maksy stated that by doing eminent domain, it clears the title for the Town. Ms. Garbitt stated that there are not any liens that the Town is aware of and a title search has been done. Selectman Maksy asked if that can be looked into in the future. Ms. Garbitt stated that the people that make the donation do get a tax write off with the donated land. The IRS requires a market appraisal of the property. When the Town has taken land by eminent domain, such as for bridges, it was because people did not want to give up the land.

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

VOTED: To accept the Quitclaim Deed as signed and provided by John B. and Carole L. Sterling for the property located on Main Street for General Municipal Purposes, and to send them a letter of thanks.  
Unanimous in favor.

**Review and vote to renew Annual Contracts with the Towns of Berkley, Bridgewater, Carver, Freetown, Raynham and Rochester regarding boarding at the Lakeville Animal Shelter**

*David Frates, Animal Control Officer, was present for the discussion.* Mr. Frates stated that he would like to send out a letter to the Towns that dogs can only be brought to the Lakeville Animal Shelter by the respective Town's Animal Control Officers. What has been happening is that people are being told by the various Police Departments to bring stray animals to Lakeville.

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

VOTED: To renew the agreements with the Towns of Berkley, Bridgewater, Freetown, Rochester, Carver, and Raynham to board dogs at the Lakeville Animal Shelter with a term to expire December 31, 2012.  
Unanimous in favor.

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

VOTED: To send a letter to the Towns of Berkley, Bridgewater, Freetown, Rochester, Carver and Raynham that the Town of Lakeville will not accept any dogs from their Towns, unless they are brought in by the Animal Control Officer.  
Unanimous in favor.

**Review and vote to renew Annual Livery Licenses; Dancing on Weekdays Permits; Coin Operated Amusement Licenses and Public Entertainment on Sundays Licenses**

*Selectman Maksy recused himself from the discussion.* Chairman Olivier read the list of the various licenses that were up for annual renewal.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote, it was:

VOTED: To renew the Livery Licenses as follows: Moonlighting Limousine (6 vehicles) and JP's Limousine Service (2 vehicles), having an expiration date of December 31, 2012.  
Unanimous in favor.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote, it was:

VOTED: To renew the Dancing on Weekdays Permits as follows: Camp Joe Hooker, Inc; LeBaron Hills Country Club; Orchid of Hawaii; and Fraternal Order of Eagles, having an expiration date of December 31, 2012.  
Unanimous in favor.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote, it was:

VOTED: To renew the Coin Operated Amusements Licenses as follows: Camp Joe Hooker (1 machine) and Fraternal Order of Eagles, Inc. (3 machines), having an expiration date of December 31, 2012.  
Unanimous in favor.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote, it was:

VOTED: To renew the Public Entertainment on Sundays Licenses as follows: Camp Joe Hooker, Inc.; LeBaron Hills Country Club; Orchid of Hawaii and Fraternal Order of Eagles, having an expiration date of December 31, 2012.  
Unanimous in favor.

### **Review and vote to renew Annual Class I and Class II Vehicle Sales Licenses**

It was noted that the Building Commissioner has visited all the sites, and they are operating appropriately.

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

VOTED: To approve the Class II License Renewals as follows: Salvatore Cucinotti, dba SC Auto; United Automotive Services; Lakeville Auto Sales; Sha-Nic Auto-Body, Inc.; Chris Altieri, dba C&E Enterprises; Leonardo Solana, dba Solana Auto Sales; Andrews Family Automotive; Linda Bury & Jason Bury, dba Elite Auto Sales; and Michael L. Outor, dba Marley Motors, having expiration dates of January 1, 2013.  
Unanimous in favor.

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

VOTED: To approve the Class I License Renewals as follows: Rousseau's Recreation Rentals, Inc. and Route 44 Collision Center RV's & Boats, having expiration dates of January 1, 2013.  
Unanimous in favor.

**Review and vote to approve Selectmen Meeting Minutes of June 27, 2011, July 25, 2011, October 21, 2011, December 6, 2011, and December 12, 2011**

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

VOTED: To approve the Selectmen's Meeting Minutes of June 27, 2011; July 25, 2011; October 21, 2011; and December 6, 2011 as presented.  
Unanimous in favor.

Upon a motion made by Selectman Belliveau with Chairman Olivier stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Selectmen's Meeting Minutes of December 12, 2011 as presented.  
2 In favor, 1 Abstain

**Review and vote to approve Executive Session Meeting Minutes of December 5, 2011**

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

VOTED: To approve the Executive Session Meeting Minutes of December 5, 2011 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt stated that the Community Innovative Challenge Grant is now available for communities that want to regionalize services for permits. SRPEDD is writing the grants. There is no monetary in-kind payment, but it will take time for people to attend the necessary meetings and obtain the training. There are ten (10) communities that would like to get training and the software. At the next meeting, all the communities must have official votes to support the grant. The software will be on the "cloud", so the Town should not have to purchase a new server. The Building Department, Conservation Commission, Board of Health, and Assessors' Office need to be on board, so that a resident can go online and see where they stand with the application process. The vendor will have to integrate with whatever software each community has. Chairman Olivier stated that he is a firm believer in embracing technology, and this is the best way for the Town to improve its technology.

Ms. Garbitt stated that the Building Commissioner feels that this will save a lot of office time and time in the field. Ms. Garbitt said she has been attending the meetings. She will bring Ms. McRae with her to some of the upcoming meetings. Chairman Olivier stated that he would like to see how the Town can make other jobs easier to do, so that employees can do more. Ms. Garbitt stated that she did tell them that the Board of Selectmen would not be comfortable with residents having to pay another fee. It will be left up to every community what they want to charge. Chairman Olivier stated that the Town needs to start thinking about setting aside money for technology for the Town Office building, so that everything can interact with each other.

Perhaps a committee should be established to expand and integrate the entire Town Office Building.

**Other Items**

1. Letter from Town of Erving regarding supporting House Bill No. 00200  
Selectman Maksy stated that he would like to find out whether our legislators want to support House Bill No. 00200. Ms. Garbitt stated that she will forward this letter to them.
2. Notice from MBTA regarding restoration of Weekend Service for the winter
3. Memo from Town Counsel regarding Gender Identity Law
4. Plymouth County Budget
5. Letter from PERAC regarding Other Post Retirement Benefits  
Ms. Garbitt stated that there is a requirement now that the Towns have to submit this information every year regarding retirement. If not, they have to at least submit the information from the previous year. The Town has to send in the actuarial to PERAC. The deadline is December 31, 2011. This is a different vendor than the previous one. Since there was pension reform with the school leaving, there are a few factors that should make a difference. Ms. Garbitt will call them and share what she finds out with the Board and the Finance Committee.
6. Comcast Connections Fall 2011
7. Notice of Change of Service
8. MMA Alert regarding 33<sup>rd</sup> Annual Meeting & Trade Show  
Discussion took place about the 33rd Annual Meeting & Trade Show. Selectman Maksy stated that he will attend on Friday and Chairman Olivier will attend both days. Selectman Belliveau will also attend.
9. Letter from MEMA regarding Hazard Mitigation Grant Applications  
Ms. Garbitt explained that Representative Orrall was talking about the Hazard Mitigation Grant Applications previously with the Board. These are grant funds that are available. They may be the same as she was talking about at the recent Assawompset Pond Level meeting. Selectman Belliveau updated the Board regarding the status of the pond level. He stated that the water level is actually down a little, it is 54.5' right now. Last Sunday it was 54.9' on Long Pond.
10. Survey from the Subcommittee on Programs and Services of the Plymouth County Charter Commission  
Ms. Garbitt asked the Board members to fill out what they might be interested in so she can put it together into one (1) survey.
11. Notice from the Greater Attleboro/Taunton Home Consortium regarding the HOME Investment Partnership Program  
Ms. Garbitt stated that at the January 5, 2012 meeting, the Selectmen will have to vote whether they want to stay in the Home Consortium. It is for first time home buyers, there have been people in Lakeville that have qualified for it. It also helps with down payments.
12. Board of Health letter regarding a shed and storage tank at 13 Summit Avenue

At 8:20 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter into Executive Session and not to return to Open Session to discuss strategy with respect to the Collective Bargaining Agreement with the Fire and Police Unions because an Open Meeting may have a detrimental effect on the negotiating position of the Board, to discuss strategy in preparation for negotiations with non-union personnel, to discuss contract negotiations with non-union personnel, specifically the Fire Chief's contract, and to consider the purchase, exchange, lease or value of real estate, because an open meeting may have a detrimental effect on the bargaining position of the Board.

Polled vote of: Selectman Maksy – aye, Selectman Belliveau – aye, and Selectman Olivier – aye.