

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**February 11, 2013 - 7:00 PM**

On February 11, 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 LakeCAM were recording the meeting.

**New Business**

**Meet with Sandra Richter of Middleborough Gas & Electric**

*Sandra Richter was present from Middleborough Gas & Electric Department (MG&E).* Ms. Richter wanted to bring the Selectmen up to date regarding the status of power restoration after the Blizzard of 2013. It was a very unusual storm; even people who have worked for the MG&E for 30 years have never seen a storm like this. At this time, 90% of the customer base has power. Those who do not have electricity are having problems due to their individual service lines. Those are mostly located on the outer fringes of Town. These individual and small pockets of customers will be being worked on all day tomorrow. When the lines are being repaired, customers occasionally experience their power going out. That is a safety issue so that the crews can work on the lines. What has been beneficial is having a second transmission line so that if power went out from one, the other could then supplement the power. Ms. Richter said that the MG&E customers have been really patient as the number of trees that have come down is phenomenal. Other repair crews have come in to assist from as far away as North Carolina. If anyone has questions, concerns or problems, they can call the Electric Station at 508-947-3023 or the Office at 508-947-1371. Ms. Richter noted that people could also consult the MG&E website; however their server went down during the storm. Ms. Richter noted the MG&E's thanks to the crews that helped out from five (5) other utilities: Wellesley, Concord, Danvers, Hudson and Mansfield. They are limited in what they can do since the final work has to be done by MG&E employees.

Chairman Maksy stated that Members of the Board toured parts of the Town with the Building Commissioner and Highway Superintendent. Selectman Powderly mentioned that the Fire Department was trying to call the MG&E, and no one responded. His concern is that if the MG&E is having trouble with the phones, we should have a contact with someone in the field to keep the lines of communication open for both Towns. Ms. Richter agreed and stated that this is one of the matters that will be addressed by the MG&E. The MG&E did sit down with the Middleborough Fire and Police Departments and Department of Public Works for a pre-storm meeting in order to get phone numbers. That needs to be done with the Town of Lakeville for the next event. Ms. Richter stated that the Department is working on its communication technology. Anyone with individual service lines that do not have power need to call the MG&E, since we may not be aware that someone still does not have power. 80% of the customer base was affected by this storm, since not only lines came down, but trees came down on the lines. The crews stayed out during the height of the storm and were able to bring the

outages down to 52% by the next morning. The crews are getting by on the amount of sleep that they are getting, and MG&E is very glad for all their work.

Chairman Maksy stated that the Board wanted to thank Christopher Peck, Superintendent of Streets, and his crew for all their support as well. Ms. Richter stated the MG&E is also grateful to the Lakeville Highway Department. Ms. Garbitt stated that Mr. Peck has conveyed to her that all the roads are clear. Though the school sites are cleared, school has been cancelled for tomorrow.

### **Meet with Fire Chief to discuss Fees for Fire Department Permits**

Ms. Garbitt stated that the Fire Chief was unable to meet with the Board. However, he did provide her with his fees for the Fire Department for commercial fees. The Fire Chief would like the Board to approve a fee of \$150 for commercial fees.

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

VOTED: To approve a fee of \$150 for Commercial Fees for the Fire Department.  
Unanimous in favor.

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

VOTED: To approve the revised fees as recommended to Board by the Fire Chief at the January 28, 2013 Board of Selectmen meeting, effective February 1, 2013.  
Unanimous in favor.

### **Update from Selectman Belliveau regarding Meeting with Department of Elementary and Secondary Education**

Selectman Belliveau stated that he, Ms. Garbitt, Cynthia McRae, Town Accountant, and Richard Brown, the Freetown Town Administrator met with representatives from the Department of Elementary and Secondary Education to discuss the issues the Towns are having with Net School Spending (NSS). The health insurance and pension contributions are not being included in the NSS figure now that Freetown and Lakeville have fully regionalized. These used to be included in NSS. The DESE has agreed that they will review that. The School Department says the Town is only providing them 1.5% over NSS. It would really be over 5% if those two (2) items were being taken into consideration. Ms. Garbitt stated that approximately \$100,000 in pensions will decrease, but the health insurance will not since all the teachers would be included. The proration that will come back to the Town is \$400,000. Selectman Belliveau mentioned that anyone that worked for the Assawompset School, although now they work for the Region, the Town will also be paying a portion of that cost as well for pension expenses

Selectman Powderly mentioned that the School Superintendent has touted at all the budget meetings that the Towns that spend more money above NSS are now seeing greater Chapter 70 reimbursements. Selectman Belliveau stated that in speaking with Jay Sullivan, he said that no Town is getting more or less than what they are supposed to get for Chapter 70 money. It is

based on the Department of Revenue's calculation of home valuations and the wealth of a Town. This means that the Town needs to make sure it values its properties correctly. Selectman Belliveau added that he did bring up the matter of snow plowing at the Regional School Committee meeting last week and how there are expenses that the Town doesn't get credit for. If these expenses were included, it would be 5% over NSS.

Chairman Maksy mentioned that Lakeville Highway Department went to the assistance of the Region this weekend, since they did not have adequate equipment to remove the large amount of snow that came down from the Blizzard. Selectman Belliveau stated that the School Department is free to contract out for snow plowing, since it is not the Town's responsibility. However, if the Town wants to work with them, then that is acceptable.

### **Discuss FY14 Budget Projections**

Selectman Belliveau provided an update to the Board regarding the FY14 Budget Projections. Though it is not complete, there seems to be a deficit of approximately \$383,000, based on the preliminary numbers. Ms. Garbitt explained that the present budget projections include the information that the Town has to date, the estimated revenues and Department budget requests. Meetings have not yet taken place with Department Heads to discuss their budget requests. Ms. Garbitt said over the past few years, the Selectmen have met together with the Finance Committee and Departments Heads so that everyone hears the same information at the same time. Last year, the meetings were scheduled in March, and took place on two (2) fairly long evenings. Selectman Powderly noted that the majority of the Departments have gone up very little, with the exception of the Region. The General Government number is only going up slightly less than \$50,000.

Discussion took place amongst the Board about the possibility of an override, and if this takes place, then the Board should come up with a number that it feels comfortable with that the taxpayers would support. The majority of the funds would be for the Schools. Ms. Garbitt stated that the process could be done two (2) ways: have a Special Election and then go to Town Meeting to appropriate the funds or go to Town Meeting first to appropriate the funds contingent upon a 2 ½ override and then hold a Special Election. The School Department may not want to wait until Town Meeting, since then they would have to wait another year to receive the funds. Selectman Belliveau stated that a lot of work needs to be done before an override is discussed. The Board has to meet with Freetown, and they are very much opposed to it. The baseline budget that the Interim Superintendent proposed is \$500,000 over NSS. It was noted that the Town would be responsible for approximately \$300,000 of that figure. It was suggested to schedule meetings with the Finance Committee and the Department Heads for March 19 and March 21, 2013.

### **Review appointments of 43D Project Review Committee**

Chairman Maksy said that the Board needed to appoint a representative of the Conservation Commission to the 43D Project Review Committee. The Conservation Commission Chairman had recommended Nancy Yeatts, Conservation Agent, to represent the Conservation Commission. Discussion occurred regarding an actual Commission Member to serve on this

Committee. It was decided to request the Conservation Commission designate a member to serve on this Committee.

Chairman Maksy also noted that the Selectmen needed to designate a representative to serve on the Committee.

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

VOTED: To appoint Selectman Maksy to the 43D Project Review Committee with a term to expire July 31, 2013.  
Two in favor with Chairman Maksy abstaining.

### **Appoint Selectman Belliveau to Capital Expenditures Committee**

Chairman Maksy said that the Board needed to appoint Selectman Belliveau to the Capital Expenditures Committee.

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

VOTED: To appoint Selectman Belliveau to the Capital Expenditures Committee with a term to expire July 31, 2013.  
Two in favor with Selectman Belliveau abstaining.

### **Request from Brandon Richard to be appointed to Technology Committee**

Chairman Maksy read the letter from Brandon Richard, requesting 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 Brandon Richard to the Technology Committee with a term to expire July 31, 2013.  
Unanimous in favor.

### **Discuss Charge and Membership for Economic Development Committee**

Chairman Maksy stated that Lorraine Carboni has been appointed as the Chair of the Economic Development Committee. The Building Commissioner is an ex-officio member and does not vote. Ms. Garbitt stated that the present membership of the Committee in the charge is nine (9) members. Currently there are four (4) people appointed to the Committee. With a membership of nine (9), you must have five (5) people for a quorum, which was not achievable at the last meeting. Ms. Garbitt said she has checked with other Towns regarding their committees of this sort and some allow their Department Heads that don't live in the Town to be voting members. Selectman Powderly suggested to change the membership to six (6) members. Discussion took place amongst the Board and it was agreed to have five (5) members on the Economic Development Committee.

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

VOTED: To approve the change of the Economic Development Committee Charge to reflect a membership of five (5) members, and to allow the Building Commissioner to be a voting member.  
Unanimous in favor.

### **Discuss and vote on Lease for Historic Library – 241 Main Street**

Ms. Garbitt stated that Lorraine Carboni, owner of Somethin's Brewin, would like to continue her lease for one (1) year.

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

VOTED: To renew the lease agreement at the Historic Library with Somethin's Brewin from March 1, 2013 through to February 28, 2014.  
Unanimous in favor.

### **Discuss Curb Cut General Bylaw Amendment**

Chairman Maksy stated that this item is just for clarification for the Board. Selectman Powderly stated that it is the Board's intent to delegate this responsibility to the Superintendent of Streets or its designee. The Planning Board agrees that they do not have to be part of the Curb Cut Permit review. Therefore, on page 2, under Policy, the Planning Board will be removed. However, the Historical Commission will still need to be part of the process in the case of scenic roads. The Planning Board and the Selectmen will receive a copy of the request at the same time the Superintendent of Streets does so that if there are any concerns, they can alert the Superintendent of Streets.

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

VOTED: To approve the modifications for the final draft of the Curb Cut General Bylaw Amendment.  
Unanimous in favor.

### **Discuss the Possibility of Relocating the Assessors' Office**

Selectman Powderly asked if the Assessors can be moved back into the Town Office Building with modifications made at the Town Office Building. Would the money go back towards modifying the Town Office Building if the Assessors' Office Building was sold? Also, the Assessors would have to be located on the first floor for accessibility issues. Ms. Garbitt stated that the funds from the sale would be subject to Town Meeting approval. Chairman Maksy stated that presently the Town is paying for heating that building and not receiving any tax revenue from it. Having the Assessors in the same building will allow for "one stop shopping" for people, since it is not convenient for people to have to go to both places to do their Town business. He asked what the process would be to move the Assessors back to the Town Office

Building. Ms. Garbitt stated that they were moved to their present location on an emergency basis. Ms. Garbitt responded that she will look for the vote when the Selectmen voted to move the Assessors.

Discussion took place of moving the Fire Chief and the Deputy Fire Chief to an office trailer behind the fire bays since presently they are above the conference room in the Town Office Building. Chairman Maksy suggested requesting that the Building Commissioner look into pricing an office trailer. The Town cannot add onto the Town Office Building without addressing the septic system. Ms. Garbitt stated that the number of employees in the Town Office Building is what affects the septic system. Selectman Powderly asked if the Town Administrator, with the assistance of the Building Commissioner, can look into the septic system issue. The building is now on Taunton municipal water. The layout of the Town Office Building and the septic system matter will be looked into during the next few weeks.

**Review and vote to approve Board of Selectmen Meeting Minutes of November 19, 2012, November 26, 2012, December 3, 2012 and December 17, 2012**

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

VOTED: To approve the Selectmen's Meeting Minutes of November 19, 2012, November 26, 2012, December 3, 2012 and December 17, 2012 as presented.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of January 28, 2013**

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

VOTED: To approve the Executive Session Meeting Minutes of January 28, 2013 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt asked the Board to approve the payment of Emergency Wages for the Animal Control Officer since he helped out the Highway Department by running the front end loader and cleaning out the schools. He also did shoveling and cleared out the Animal Shelter. The Town should get reimbursed 75% of the expenditures related to the Blizzard of 2013 storm.

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

VOTED: To approve payment of the Emergency Wages for David Frates, Animal Control Officer, regarding the Blizzard of 2013.  
Unanimous in favor.

## Other Items

1. Correspondence from Architectural Access Board regarding LeBaron Hills Country Club
2. Letter from SRPEDD regarding FY Assessment
3. Notice of Municipal Wind Seminar – February 7, 2013
4. Notice from Plymouth County Commissioners Office regarding Regional Cooperative Bid for Property Valuation
5. Notice of GATRA Advisory Board Meeting-February 14, 2013
6. Summary of Mass DOT's Plan regarding Transportation Needs
7. Mass Wildlife Newsletter
8. Mass Interchange Newsletter
9. Notice of Citizen Planner Training Collaborative Session
10. Comcast Form 500
11. Verizon Form 500
12. Update from Kopelman & Paige regarding Emergency Legislation Authorizing Rescheduling of Certain Municipal Elections  
Selectman Powderly asked why this wasn't scheduled at the same time as the Annual Town Election. Ms. Garbitt explained that Lakeville's Annual Election is set by bylaw. Lakeville's bylaw says the Annual Election will be the first Monday in April. The Regional Agreement talks about when the election will be held for the Regional School Committee members. Selectman Belliveau stated that Annual Town Election should be moved to November to coincide with State and Federal elections. Chairman Maksy suggested speaking to Freetown on Wednesday evening since this could save \$5,000 for the Town if the time frame was changed.
13. Letter from Department of Unemployment Assistance regarding Training and the Governor's Legislative Package filed on January 9, 2013

At 8:21 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 Belliveau-Aye, Selectman Powderly-Aye, and Selectman Maksy-Aye.