

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**February 7, 2011 – 6:30 PM**

On February 7, 2011, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 6:30 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow was recording for the Middleboro Gazette and Comcast was present for videotaping.

**6:30 PM Vote to Appoint Frank Alvilhiera, Jr. as Police Chief**

Chair Yeatts read into the record that Acting Chief Alvilhiera was appointed as Police Chief effective today, February 7, 2011. Acting Chief Alvilhiera was then sworn in by Lillian Drane, Assistant Town Clerk and presented with his new badge.

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

VOTED: To appoint Frank Alvilhiera, Jr. as Police Chief, effective February 7, 2011 to June 30, 2013.

Unanimous in favor.

The Selectmen recessed their meeting to hold a reception for Chief Alvilhiera. The meeting returned to order at 7:02 PM.

**Meet with Old Colony Regional High School Superintendent Gary Brown for School Building Assistance Project Presentation**

*Gary Brown, Superintendent, was present for the presentation, along with Bruce Kaiser, Business Manager, Robert Marshall and Donald Foster, members of the Old Colony School Committee.* Mr. Brown explained that Old Colony Regional Vocational Technical High School has been approved by the Massachusetts School Building Authority (SBA) to conduct a Feasibility Study of the school for potential classroom and system upgrades. The previous project estimated a cost of \$2.5 million to do the roof and refurbish the science center at a 54.6% reimbursement rate. The School Department worked with Trane and replaced all the lighting in the building, provided an all new kitchen and culinary art program, added garage doors and a small solar voltaic system for students to use for study. The cost was \$3 million, but the School had wanted \$5 million to include the roof and a security system. Funding for the additional needs could not be obtained at that time. The project was scaled down and the roof, windows and security cameras were not included. An EMS grant was received, so there is money now for the security cameras. The double pane windows are fine, yet the roof is in tough shape. The roof was replaced in 1987 to a urethane roof, however, all the warranties have lapsed and the School is just making repairs as needed. The roof has also been recoated. The School is looking for a roof and science lab at this time. The present Science Lab was built in 1975. The need for an updated Science lab is going to be the big issue in the years to come. The proper equipment is needed to educate the students. Selectman Maksy asked what the Selectmen's part is in this.

Mr. Brown responded that the timeline is scattered at best when working with the SBA. Originally, the School wanted to get this on the Town Meeting warrant for the spring to have the project worked on during the summer, but that is not going to happen. Selectman Maksy asked if it will be through debt exclusion or will the money be borrowed. Mr. Kaiser responded that that would be up to the Town itself. There are some scenarios included in the packets. Mr. Kaiser stated that Lakeville's percentage is 15.4% right now. Scenarios have been provided out over 20-25 years with different interest rates. The initial first year payment, as part of the assessment for Lakeville would be \$14,133.00. It would be up to Lakeville how they would pay for it. The Town could appropriate it with the Town Budget or go to voters and ask for a Debt Exclusion. The School is looking to basically introduce the Selectmen to the project, in order to get approval from all the Towns to move forward, since that is what the SBA requires. Mr. Brown stated that at some point, a roof will be needed at Old Colony. Does the Town want to pay for it in its entirety or for half of it if there is SBA money available? Mr. Brown reviewed the "soft" money, the \$250,000 has already used from rebate for performance contracting. The SBA requires that there is a Project Manager and a design. It was hoped to have the students do the Computer Automated Design, but SBA would not allow it. Mr. Marshall stated that \$250,000 is required by the State for the design. For a roof it seems a little over the top, yet we have no control over it.

Chair Yeatts stated that is for the Project Manager and the design. Does the Project Manager have to be an engineer? Mr. Kaiser stated that he is not thoroughly aware of the specifications. Mr. Brown stated that the Project Manager will be provided for the length of the project. The project should be done during the summer of 2012. Mr. Marshall explained that it is important to note that in the past whenever there were roofing issues at the school, they were always addressed through the capital budget. The School has never complained about that, but now with times being what they are, the School can no longer do that. The School has its own capital needs, and it is important to note what the School has done in the past. Mr. Kaiser explained that if there is any kind of silver lining, the "soft" money is also reimburseable by the SBA at 54.6%. They have been burnt in the past since they request a particular amount of money from the Towns, and then they run into a problem and cannot go back to the Towns for more money since they only have what was approved by the Towns. The entire \$250,000 may not be used.

Selectman Olivier asked how long the roof should last. Mr. Brown explained that it will be a different roof than the existing one, a membrane roof, and it will have a different RF factor to save energy. There is a lot of discussion about membrane roofs. It is something that you have to watch out for and you have to make sure that you have the right person for the job. It is keeping on top of every little thing and reporting it to Trane. Sometimes you have to be a stickler to get things done. It should be a 20 year warranty. Mr. Kaiser stated that all the criteria are written into the Request for Proposal (RFP). Selectman Maksy stated that one of the things he has brought up is the possibility of putting solar panels on the roof. He did not know if you can prepare for it ahead of time, like putting in the clips, etc? Mr. Kaiser stated that it is all part of the RFP. You can put that stuff out there and get feedback and information from the engineer. Mr. Brown stated that the school needs a roof. It was hoped that the SBA could get the process done for the spring, but we also have to go before their Board as well. We are looking to put it on a warrant article not to exceed \$2.5 million. We are positive that we can get this project done for that amount. Selectman Maksy asked if you were to forecast 20 years from now, are there

any other big things that you could foresee. Mr. Brown stated that the black top is a big project. We are going to try and do it piecemeal right now, at least getting the entrance done. The campus is well maintained and we want to keep it looking good. Also, the rugs and the tile in the front area and the main office are a big project. The school has hand me down small mini buses for the students to go to job sites. The students are presently working at the Ted Williams Camp right now. The buses have been maintained and maintained. Selectman Maksy stated that the kids are doing a great job at the Commissary.

Mr. Kaiser stated that basically they are here to introduce to the Selectmen what the School is looking at and are hoping to get support from all of the Member Towns and to move forward. Selectman Olivier asked if they can go out to bid if they get approval from all the Towns. Mr. Brown responded that they can go out to bid and use the \$250,000. Mr. Foster stated that the Selectmen should come and take a look at the School and see what has been done. Mr. Marshall again noted that the improvements were done without having to go through the budget process. It was all done in-house. The building has not had a tremendous amount of improvements since 1975, but there have been some. The cost of just the lighting alone would have been a deal breaker. This concept is really a good one. Mr. Kaiser suggested that the Selectmen go for a meal in the restaurant. Selectman Olivier stated that he has never been there.

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

VOTED: To support the Roof Replacement/Science Laboratory Renovation project for Old Colony Regional Vocational Technical High School.  
Unanimous in favor.

### **Discuss comments regarding Final Draft of Open Space Plan**

*Linda Grubb and Martha "Mike" Schroeder of the Open Space Committee were present for the discussion.* Ms. Grubb said she was looking for comments from the Selectmen on the draft Open Space Plan. The Conservation Commission, the Historical Commission and some residents have already given their comments. If the Selectmen do not have their comments ready tonight, they can submit them in writing to the Open Space Committee. Ms. Grubb said that SRPEDD has been concerned about how some of the surrounding communities have been submitting their Open Space Plans. If there is something that the Selectmen want incorporated into the Open Space Plan, they should express that to the Open Space Committee.

Chair Yeatts stated that the committee is basically updating a good plan that was in place. Ms. Grubb stated that the former plan was pretty old, and it was more difficult to update it than it would have been to start over. The State has added a lot of requirements for the Plan to consider since 2001. Chair Yeatts suggested that the Board could have their comments in writing for the February 28, 2011 meeting. Selectman Maksy stated that he will not be present on the 28<sup>th</sup>. Ms. Garbitt said that she had invited all the Elected Boards to the 28<sup>th</sup> meeting for the health insurance discussion. Chair Yeatts stated that Ms. Garbitt will have to un-invite them. Selectman Maksy stated that he will try to get his comments in by the 28<sup>th</sup> of February.

## **Review draft Standard Operating Procedures for Board, Committee or Commission Appointments**

Chair Yeatts stated that she liked Ms. Grubb's initial policy. Ms. Garbitt also gave the Board some samples from a few other Towns for the Selectmen to review. Chair Yeatts would like feedback from the Boards, Committees or Commissions (Town Body) on potential candidates and not just have the Selectmen make the decision. Wording was added by Selectman Maksy to that effect. Chair Yeatts agreed that the Town Body's recommendation will be taken into consideration. Selectman Maksy stated that he wants elected and voted members inserted, since you have to take that into consideration. Also, not to make an appointment until the deadline has been met. Ms. Grubb stated that this is just a start. The Town needs to develop a lot of other policies for other areas as well. Further discussion occurred about developing an Appointed Committee Handbook. Selectman Maksy mentioned the Town of Weston's Policy regarding the Chairman. He questioned if it is legal. The Town Body should have their own free will to decide. Mr. Foster stated that there is some wisdom to that though. It is a good idea to retain a chair for a pressing project. The Town could probably have words to recommend it, but not require it. Selectman Maksy stated that attendance has also been a problem in some cases. Ms. Garbitt suggested that maybe have a letter should go out annually inquiring if there have been any attendance issues with members.

## **Review Preliminary Draft of FY12 Revenue and Expense Budget Summary**

Chair Yeatts asked with Estimated Receipts why is it down \$94,000? Ms. Garbitt responded that the 40R money from Kensington Court, \$300,000, was received in FY11. It was one-time money. The Town received its first commitment in March of \$938,000 for motor vehicles. It is not felt that there is a need to increase that at this time. Chair Yeatts stated that Ms. Garbitt is usually very conservative, and Chair Yeatts is also. What is Selectman Olivier's point of view? Selectman Olivier stated that he agreed with this. Chair Yeatts asked about the debt for the water tower. Ms. Garbitt explained that it passes through the Water Enterprise Account, and is included in total Debt Service. Chair Yeatts asked about the Region's Budget requests at the top of the page. Ms. Garbitt responded that the assessment is what the Town has. Net School Spending (NSS) without transportation is what came through on Saturday. These numbers are what were submitted from Department Heads. The Selectmen asked for her to make sure the budgets were submitted with maintaining current status. Chair Yeatts stated that last year for Assawompset and the Region, it was \$10.163 million and now they are asking for \$9 million, is that a realistic figure. It was only \$7 million on Saturday. Do we only give them that and take away the \$708,000? Selectman Olivier stated that the Region is looking for level funding, but it will not be that since what Freetown pays over the NSS needs to be taken into consideration. If we use the \$708,000, which is the figure we used last year, Freetown would have to lower theirs by approximately \$1 million. Chair Yeatts said there was a lot of discussion that took place on Saturday. They even talked about closing down one (1) school, going back to the union and reopening the contract, and going out to bid for transportation and doing it in two (2) tiers.

David Davenport, Local School Committee member, explained that his understanding of the two (2) tiers is that it would not be impossible, but it would be much easier if a school was closed, like Assawompset. NESDEC has predicted that student population/enrollment will go

down by 400 students in eight (8) to ten (10) years. Selectman Olivier stated that there is a cost savings by closing Assawompset and then use GRAIS for Grades 1-4. Chair Yeatts stated that she feels that we need to do better than that. She understands this is what we are obligated to do, but she feels the budget should be increased. We need to get to NSS over the next few years, but she is not in favor of doing it all in one (1) year. Selectman Olivier stated that it would be a \$4 million difference if we did do that and it coincides with the health insurance, etc. Further discussion on the topic occurred. Selectman Maksy stated that he would like to leave the school number hanging out there for now and see where we are with everything else. Chair Yeatts stated that that is fine, but she does not agree with taking everything away from the schools in one (1) year. Selectman Olivier stated that there needs to be an alternative to that or some direction. Chair Yeatts suggested to maybe look out over the next four (4) or five (5) years to get to NSS. She does not want to put them in a deficit with all that they are looking at. Selectman Olivier asked if she wanted to wait until the budget meeting takes place Wednesday night to see what happens. Freetown will be there also. Chair Yeatts agreed with that.

Selectman Olivier stated that the Selectmen have been beating the budget to death every year. He can get the \$200,000 shortfall down to zero just by changing Estimated Receipts and increasing Free Cash. Chair Yeatts asked why the amount for the Town Accountant is going from \$177,000 to \$185,000. Ms. Garbitt responded that part of it is expenses and part of it is wages in order to give a stipend to the Accountant's Assistant to sign warrants. The Selectmen can ask those questions to the Department Heads when the meetings are scheduled. Part of it is for the audit and part is under the request for the wages. Selectman Maksy stated that the Selectmen need that justified, so that is a flag. Chair Yeatts asked about the Fire Department increase. Ms. Garbitt explained that some of it is contractual; some is due to increasing fuel prices. Chair Yeatts stated that it is going up and down over the past few years. Ms. Garbitt responded that most of it is under contractual and some may be in education. Chair Yeatts stated that it went from \$953,000 to \$844,000 to \$892,000 and now is \$912,000. That is not a good sign when we look at the Police Department, which went from \$1.3 million to \$1.2 million.

Discussion then took place regarding the Library budget. Selectman Olivier stated that as long as the Library is increasing the same amount as all other Town Departments, then it would qualify for a waiver. Chair Yeatts asked about the Historic Library building. Ms. Garbitt responded that it is going up \$500 due to maintenance. Chair Yeatts stated that what the Town pays should be offset by the rent that comes in. Chair Yeatts asked about the Debt Service. Ms. Garbitt stated that she included everything, the excluded, the non excluded and the water tower. The amount is before the Landfill pays for any of their debt. This is the gross amount of debt. Chair Yeatts asked about employee group benefits. Ms. Garbitt said that the school is not included for FY12, but there is a 10% increase budgeted since she does not have the health insurance rates yet from Gateway. Chair Yeatts asked if there was \$5,000 budgeted to build up the unfunded liability. Ms. Garbitt responded that there was. Chair Yeatts stated that Selectman Olivier is working on the budget and the regional budget. What about the Capital Expenditure Committee? Selectman Olivier stated that Chair Yeatts can work on that. The new Building Feasibility Study Review Committee will need to have some discussions with the Capital Expenditures Committee. Chair Yeatts stated that the laws have changed, and you can actually save up for something like a new Police Station. Ms. Garbitt stated that she will make up the

budget books and distribute them to the Finance Committee and the Board can meet with the Finance Committee. It was agreed to have the budget meetings over two (2) nights.

### **Update on water levels for Assawompset Pond and update on DEP Committees**

Chair Yeatts stated that Friday morning she went to a meeting at the Department of Environmental Protection (DEP). Due to the recent snow events, there has been a lot of concern about the pond levels. There was a power point presentation showing pond levels from 1985 to 2011. Historically 75% of the time, during the months of January and February, there has been more water in the pond than there is this year. So everyone needs to remain cautious, but there is no concern at this time. However, the level of the pond that you need to have for the herring to run is close to the margin of where it is needs to be so that homes do not flood out. Chair Yeatts credited Taunton and New Bedford for their aggressive management. They take pond levels every day, and if it goes over the amount, they pull boards from the dam. That is a start, but we still need a study of the pond. Congressman Barney Frank's office has been very helpful. The more people that call, the more likely we are to get that study funded. We cannot get the Nemasket River dredged unless we get that study done. We will need funding to dredge it. Selectman Maksy stated that the figure of 53 feet above sea level does not mean much if he does not know the baseline. Chair Yeatts stated that they know what it should be each month. The level is different at different times of the year and there are benchmarks.

Selectman Maksy said there needs to be something that works for each of these months. Chair Yeatts stated that Dr. Neil Fennessey is a hydrologist that has been working with DEP and has given recommendations for the safe level of the pond for each season. Selectman Maksy stated that the problem he is having is all the tributaries that lead to the pond. You need to know the timeline of when to remove a plank. He heard that Long Pond was really low in August and you only have Assawompset numbers here. Chair Yeatts stated that there is no control mechanism. That is why they need to do a study to see how it all relates. We need to have Dr. Fennessey do the hydrologic study and put pressure on Congressman Frank's office who is supposed to be trying to help us come up with the money.

### **Vote to issue Statement of Reasons for Preliminary Assessment of Denial-Comcast Cable Renewal Contract**

*Robert Marshall and Donald Foster were present for the discussion.* Mr. Marshall explained that the denial basically speaks for itself. It is pro forma until we are able to resolve the issues. Mr. Foster stated that the Committee has to report back to them within a specific time frame. Chair Yeatts noted that the deadline is tonight before midnight. Selectman Maksy asked about the response time. Do they really handle the calls all in less than a minute? Mr. Foster said they have debated this point before. Is it when a computer picks up or a human voice? Mr. Marshall stated that the Committee can go back and address that again. Cable complaints cannot be included with internet or phone complaints. The Cable Committee and the Selectmen are the issuing authority for cable. They have no authority over the phone or the internet service, only the cable aspect.

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

VOTED: To sign the Statement of Reasons for Preliminary Assessment of Denial to Comcast on February 7, 2011.  
Unanimous in favor.

### **Review Proposed Easement for Water Storage Tank**

Ms. Garbitt explained that this is similar to what the Town did with the Library, allowing Middleborough Gas & Electric and Verizon to come onto our property to service their equipment. Town Counsel has approved it in its current form.

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

VOTED: To sign the easement for Middleborough Gas & Electric and Verizon to install, operate, maintain, repair and remove gas, electric and telephone facilities with necessary poles, wires, cables, main service lines, valves and other fixtures and appurtenances for the distribution of electricity, gas and intelligence upon, over, under and across land of the Grantors situated in Lakeville for the Water Storage Tank.  
Unanimous in favor.

### **Review and Vote to Renew Board of Health Agreement with Town of Middleborough Board of Health**

Ms. Garbitt stated that there were questions about the monitoring of the contract. Jean Spaulding, Middleborough Health Agent, did not know why the language about the Lakeville Board of Health monitoring the contract was taken out, but she will put it back in. Selectman Maksy brought up Town Counsel's advice regarding hold harmless and some indemnification language to be inserted into the agreement. The Board could vote to sign it subject to recommendation from Town Counsel. Chair Yeatts asked if the Board of Health already signed this. Ms. Garbitt responded that they had.

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

VOTED: To sign the agreement made by and between the Town of Middleborough acting by and through its Board of Selectmen and the Town of Lakeville acting by and through its Board of Selectmen to renew the Board of Health Agreement, subject to Town Counsels' indemnification changes.  
Unanimous in favor.

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

VOTED: To sign Attachment A (Proposed District: Southeast Regional Health District)  
Unanimous in favor.

**Vote to Award Ted Williams Camp Earth Removal bid and vote to sign contract**

Chair Yeatts stated that the Park Commission recommended that the contract be awarded to G. Lopes.

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

VOTED: To accept the bid with G. Lopes in the amount of \$4.54 per cubic yard.  
Unanimous in favor.

**Discuss and vote to renew Somethin's Brewin Lease-Rescheduled to February 17<sup>th</sup>**

Chair Yeatts said this topic was tabled until the February 17<sup>th</sup> meeting.

**Vote to accept Scott Sweet's resignation from Capital Expenditures Committee**

Chair Yeatts read Scott Sweet's resignation letter into the record. Chair Yeatts asked Ms. Dow to put a notice of the vacancy on the Capital Expenditures Committee in the paper with a deadline for letters of interest in two (2) weeks.

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

VOTED: To accept the resignation of Scott Sweet and to send him a thank you letter for his service.  
Unanimous in favor.

**Vote to appoint Building Feasibility Study Review Committee**

Ms. Garbitt distributed two (2) letters of interest that had been received from Jay Catalano and Kevin St. George to become members of the Building Feasibility Study Review Committee. She stated that the Board needs to find out who the Finance Committee and Capital Expenditures Committee would like to serve on the Committee. Selectman Maksy stated that the Board had previously received letters of interest from Cindy Dow and Joseph Simas, Jr. Ms. Garbitt stated that a charge for the Committee needs to be created. Selectman Olivier will work on the charge for the next meeting.

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

VOTED: To appoint Cindy Dow, Joseph Simas, Jr., Jay Catalano, Kevin St. George, Robert Iafrate and Stephen Olivier to the Building Feasibility Study Review Committee.  
Unanimous in favor.

**Discuss Letters of Interest for Energy Advisory Committee**

No letters of interest were received, so the vacancy will be re-advertised.

**Request to use Town House-Annual Easter Plant Sale-Apponequet Athletic Boosters Club-  
April 22 & 23, 2011**

Chair Yeatts read the request from the Apponequet Athletic Boosters Club.

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

VOTED: To approve the use of the Town House by the Apponequet Athletic Boosters Club for their Annual Easter Plant Sale on April 22 & 23, 2011 from 8:00 AM to 4:00 PM on both days.  
Unanimous in favor.

**New Business**

Selectman Olivier asked for an update regarding the meeting this afternoon with the State for the Lakeville Hospital property. Chair Yeatts stated that many ideas/suggestions came up, such as a tax break in-lieu-of a building coming down. Representative Steve Canessa had the idea of lowering their taxes to demolish buildings. April Anderson-Lamoureaux talked about marketing the property and what they can do for us, such as 43D and 43E expedited permitting, where you identify a piece of land and sign onto six (6) month expedited permitting. Selectman Olivier asked if the value of the land will go up when the building comes down and the land is clear. Selectman Maksy stated that maybe they are afraid of the value of the land going up and having to pay more in taxes. Selectman Olivier said once the site is clear, there is nothing stopping them from selling it or developing it. They get a temporary tax break when the building comes down, then no more breaks. Selectman Maksy asked if their taxes would go down without the building. Chair Yeatts responded that she did not think so. Selectman Maksy stated that if they do not touch the asbestos, then they do not have to abate it. Chair Yeatts stated that she thought that if a site was abandoned for a period of time, then it would still have to be abated.

Ms. Garbitt stated that the Board needed to sign the easements for Chris Jenn Brook, which was accepted as a Town Road at Town Meeting.

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

VOTED: To sign the easement for Chris Jenn Brooke as corrected.  
Unanimous in favor.

**Old Business**

Selectman Olivier stated that he wanted to talk about Health Insurance for elected officials. The Board asked Ms. Garbitt to go back to Town Counsel and get an opinion for retirees. Selectman Maksy stated that he thought the Board was going to talk about this topic at the next meeting of the Board. Chair Yeatts explained that the Board will, however, Selectman Olivier wanted to speak on it for people who will be making decisions about running for the upcoming election. Selectman Olivier stated that this will not affect current Elected Officials. Selectman Maksy stated that he did not receive the information. He would have liked the information ahead

of time so that he could research it. Selectman Olivier stated that he is bringing it up under Old Business since the Board asked the Town Administrator about the retirees and if they would be protected. Selectman Maksy stated that that was one of his concerns and in fairness, the Board should bring the topic up when they are present. Chair Yeatts stated that it does not affect them. Selectman Olivier stated that they are still protected as long as they still qualify. Ms. Garbitt distributed Town Counsel's opinion on the retirees. Chair Yeatts stated that they are either currently a retiree of the Town or will be a retiree of the Town. Selectman Maksy asked what a break in service means? It should say when an Elected Official is no longer serving on the Board. But a leave of absence, like for a hospital stay, is considered a break in service. Chair Yeatts stated that as long as they remain in their current offices, they are covered.

Selectman Olivier stated that he felt the Board has covered all aspects. We are not sustainable at the current financial structure that we are in. The Town is looking at a \$1 million shortfall just to maintain what it has. Selectman Maksy asked if originally this was going to apply to all Elected Officials. Chair Yeatts stated that the Board did not ever talk about all Elected Officials. We have continued to talk about this topic at a number of our meetings. We have an election coming up and in fairness to someone pulling papers that might be going to run, they need all the facts. We have talked about it and beat it up. Selectman Olivier stated that Freetown made it so if an Elected Board member's term expires, then they lose their health insurance. In Lakeville if you get re-elected, you would still be covered. Selectman Maksy stated that if this was such a pressing issue, the Board should have had the other Elected Boards present this evening. Chair Yeatts stated that it does not affect them in any way shape or form. Selectman Olivier stated that this is one (1) step to many other steps that the Board needs to take for the long term future of this Town. Selectman Maksy stated that he did not have a problem with the issue; it is just the process. Selectman Olivier stated that if this was impacting them, then he would agree with Selectman Maksy. Chair Yeatts stated that she had spoken to the Board of Assessors Chairman and he had no problem with the Selectmen discussing this. The Chairman of the Board of Health had no problems with the matter before he went on vacation. There is no change to the people that are now in office, it would only be for the new people that come into the office. This is a trend that is going on throughout the State, and it will help the Town in the long run. There are other steps that we are going to ask people to make as we move forward. It is the best step for the Town of Lakeville. Selectman Maksy stated that the appropriate people should have been present then during the discussion.

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

**VOTED:** That the Board of Selectmen adopt the following rules concerning health insurance eligibility: Any paid elected member of the Board of Selectmen, Board of Health or Board of Assessors, eligible to receive health insurance from the Town as of February 1, 2011, will continue to be eligible for health insurance so long as the members continue in their current offices, including being reelected, until such time as there is a break in service. Any new member elected after February 1, 2011 will no longer be eligible for health insurance. Any member of these boards elected prior to February 1, 2011 who is either currently a retiree of

the Town or who becomes in the future a retiree of the Town will continue to be eligible for health insurance as a retiree.

Two in favor, one opposed (Selectman Maksy).

### **Other Items**

1. Notice from FEMA regarding new effective date of Flood Insurance Rate Maps
2. Notice to Abutters from Taunton Water Department regarding 91 Precinct Street
3. Information from SRPEDD regarding DPW Equipment and Trailer
4. Letter from SBA regarding cash buyout option for cell tower lease  
Selectman Maksy asked if the Town owned the tower and the land for it. Ms. Garbitt responded that the Town owns the land and the cell tower company leases the land. Selectman Maksy asked how many users there were on the tower. Ms. Garbitt responded three (3). Selectman Maksy asked if the Town is actively soliciting more. Ms. Garbitt stated that the Town receives \$2,000 a month and as more users come on, it increases. Ms. Garbitt asked if the Board would like SBA to come in and make a presentation. Chair Yeatts responded that she would and she will contact them.
5. Meeting Notice-Regional Economic Strategy Committee-February 8, 2011
6. Memo from Kopelman and Paige regarding Siting Solar and Wind Energy Facilities Under the State Zoning Act and the Green Communities Act
7. Update from MEGA regarding New Standard in Snow and Ice Cases
8. Annual Report from Plymouth County Cooperative Extension
9. Notice from Massachusetts Historical Commission regarding Grant Program
10. Citizen Planner Training Collaborative Spring Conference-March 19, 2011  
Selectman Olivier asked if anyone was attending. Ms. Garbitt responded that a member from the Planning Board and the ZBA would be attending.
11. Comcast Form 500 for 2010
12. Verizon Form 500 for 2010
13. Letter from Comcast regarding Forms 1240 and 1205
14. Letter from Lakeville Permanent Fire Fighters Association regarding change of Union Offices
15. Notice from EPA regarding 4 day training for Small MS4 Stormwater General Permits

At 9:10 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier it was:

VOTED: To enter into Executive Session to conduct contract negotiations with non union personnel and to discuss strategy with respect to the collective bargaining agreement with the Fire Union because an open meeting may have a detrimental effect on the bargaining position of the Board and not return to Open Session.  
Polled vote of Selectman Yeatts – aye, Selectman Maksy – aye, and Selectman Olivier – aye.