

TOWN OF LAKEVILLE
Selectmen's Meeting
Monday, August 9, 2010 – 7:00 PM

On August 9, 2010, 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 Chair Yeatts at 7:01 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.

7:00 PM Meet with Paul Meleedy regarding Logan Airport Community Advisory Council

Present for the discussion was Paul Meleedy. Mr. Meleedy said in December of 2009, the Board of Selectmen appointed him to the Logan Airport Community Advisory Council. He said that the Council represents those communities in Eastern Massachusetts that are directly and indirectly impacted by the operations and possible expansion of Logan International Airport. Possible impacts include noise and noise abatement concerns, impact of traffic, environmental issues and flight path safety concerns. It includes cities and towns within close proximity to Logan Airport including those communities directly affected such as Boston, Winthrop, Hull, Quincy, Lynn and Hingham. It also includes communities that may also be impacted by flight path and traffic or other environmental issues, which includes Lakeville. He felt that the impact on the infrastructure and lifestyle of the residents of Lakeville is minimal. He would like to continue to participate so he can be aware of any significant issues that may affect Lakeville.

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

VOTED: To continue the appointment of Paul Meleedy to the Logan Airport Community Advisory Council with no expiration date.
Unanimous in favor.

Meet with Fire Chief Dan Hopkins regarding bid opening for new ambulance

Dan Hopkins, Fire Chief, was present for the discussion. He stated that the bid openings for the ambulance were opened today and five (5) bids were received. Two (2) bids did not meet the specifications and the other three (3) did. He stated that he would like to recommend Quality Emergency Vehicles, Inc. from Natick at a bid of \$145,995, which is the net cost with trade in. Ms. Garbitt stated that \$2,100 needs to be added in for the performance bond since that was in the bid specification and even with that additional amount, the price would still be under the price of the other two (2) bids. The Town did request a performance bond in its specifications. Selectman Maksy stated that the Performance Bond is a guarantee that the vehicle will be delivered. Chief Hopkins added that if the company goes out of business, this insures that the Town will still get the vehicle. They will add all the items that are being requested for the same price if the company goes out of business. However, this vehicle is already in stock, so the Town may not need to add in that amount. Chair Yeatts asked if the Board could agree to the \$145,995 without adding the \$2,100 in. Chief Hopkins stated that the State needs to inspect the ambulance, and it still needs the compliance inspection to make sure that it meets all the specifications.

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

VOTED: To award the bid to Quality Emergency Vehicles, Inc. of Natick, Massachusetts at the cost of \$145,995, and to give the authority that if the performance bond is needed it will be added in for the amount of \$2,100.
Unanimous in favor.

Vote to sign contract with Beta Group for Project Notification Form

Ms. Garbitt stated that Selectman Olivier reviewed the contract, and she had forwarded it to Town Counsel for their review. Town Counsel had a few minor comments and the revisions have been made.

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

VOTED: To sign the contract with Beta Group for the Project Notification Form.
Unanimous in favor.

Vote to sign State Primary Election Warrant

Chair Yeatts read the Election Warrant into the record.

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

PRECINCT ONE, PRECINCT TWO AND THREE
TED WILLIAMS BASEBALL CAMP, 28 PRECINCT STREET

On TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER, 2010 from 7:00 AM to 8:00 PM
for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

GOVERNOR.....FOR THIS COMMONWEALTH
LT. GOVERNOR.....FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....FOR THIS COMMONWEALTH
SECRETARY OF STATE.....FOR THIS COMMONWEALTH
TREASURER.....FOR THIS COMMONWEALTH
AUDITOR.....FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....FOURTH DISTRICT
COUNCILLOR.....FIRST DISTRICT
SENATOR IN GENERAL COURT.....FIRST BRISTOL AND PLYMOUTH DISTRICT

REPRESENTATIVE IN GENERAL COURT.NINTH BRISTOL DISTRICT-PRECINCT ONE
TWELFTH BRISTOL DISTRICT PRECINCT
2&3
DISTRICT ATTORNEY.....PLYMOUTH DISTRICT
SHERIFF.....PLYMOUTH COUNTY
COUNTY COMMISSIONERS.....PLYMOUTH COUNTY

You are directed to serve this warrant by posting an attested copy hereof seven days at least before September 14, 2010 at the following places: Town Office Building; Starr’s Country Market; Mayflower Bank; the Clark Shores Association Bulletin Board; Apponequet Regional High School; the Senior Center and Assawompset School.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 9th day of August, 2010.

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

VOTED: To sign the State Primary Election Warrant.
Unanimous in favor.

Review request from SRPEDD for Partnership Agreement for HUD Grant

Chair Yeatts stated that signing the Partnership Agreement does not cost the Town anything, and the Town could benefit from it. Ms. Garbitt stated that this is the meeting Selectman Olivier originally wanted to attend. There was a huge turnout for the meeting and 14 communities were interested in signing on. It needs to be approved by Boards of Selectmen prior to them signing the agreement. Even if the Town signs the agreement, it does not obligate the Town to go any further.

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

VOTED: To sign the Partnership Agreement for the HUD Grant.
Unanimous in favor.

Schedule September and October meetings

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

VOTED: To change the date of the August meeting from the 23rd to August 30, 2010.
Unanimous in favor.

Chair Yeatts asked that the August 24th Master Plan Implementation Committee meeting be changed to August 31, 2010 instead. Ms. Garbitt will reschedule.

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

VOTED: To schedule Board of Selectmen meetings for September 13th and September 27, 2010 and October 4th and October 25, 2010.
Unanimous in favor.

Review request to accept Chrisjenn Brooke Lane as public way

Selectman Maksy read the letter from Robert J. Mather, Esquire, dated July 21, 2010, requesting that the Town accept Chrisjenn Brooke Lane as a public way at the next Town Meeting. Chair Yeatts stated that she is trying to keep the upcoming Special Town Meeting for matters only pertaining to Sysco. She thought it was the Board's policy to accept roads only at the Annual Town Meeting in the spring. Ms. Garbitt said that if the Board does not have a recommendation from the Planning Board, then the Selectman cannot vote to layout the road. It would be advisable that the Selectmen vote when they want road acceptances to take place. The Planning Board needs to let the developer know about that condition when they come in for their subdivision that road acceptances will only be approved at Annual Town Meeting. Chair Yeatts stated that she feels that they need to do a peer review on the drainage calculation. The Town needs to make sure that all their calculations are going to work. It is draining into a reservoir for the bog at Highland Road and Race Course Road. Ms. Garbitt stated that the Town maintains the detention basins once the road is accepted, but a lot of communities have the developer put forth money to do the maintenance on them.

Chair Yeatts noted that every time the Town accepts a road, it is more work for the Town. We are finding out more and more that the drainage does not work, and then we are responsible for fixing it. We need to make sure that it is done right. Ms. Garbitt stated that the Chapter 90 funds can be used for road maintenance, but it does not cover the catch basins.

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

VOTED: To vote the intent to layout Chrisjenn Brooke Lane.
Unanimous in favor.

Selectman Maksy asked that the Board be notified of the dates that the Planning Board will hold their hearing. Ms. Garbitt stated that there is no hearing. The Planning Board will wait for the Superintendent of Streets recommendation and then forward their vote to the Selectmen to approve the layout. Chair Yeatts stated that she would recommend a peer review.

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

VOTED: That the Board of Selectmen recommends that the Superintendent of Streets request a peer review for Chrisjenn Brooke Lane be done for the Planning Board.
Unanimous in favor.

Review PK-12 Regional School Agreement

The Board of Selectman reviewed the Regional School Agreement and noted the changes that they would like to be made. Selectman Olivier noted that the 3rd sentence, *the Boards of Selectmen from each town willchange to appoint*. Then, *the Finance Committee from each town...change to appoint*. There are three (3) places to change recommend to appoint. Strike out, *to the regional school committee*, where it says recommend continue to an interim member from its body. Under purpose change to *an independent advisory* and on all matters. *No regional finance committee member shall be employed by the regional school district or member towns*-add that in page three. Change will to *shall* after The Finance Committee on page 3. On Page 5, add *within extraordinary expenditures....as approved by member town*. Chair Yeatts noted that October 31st is the most important deadline and Cynthia McRae, Town Accountant, needs to review the documentation since the Net School Spending figure does not show all that the Town puts in. They do not take anything else into consideration after they send this in. Ms. Garbitt stated that Ms. McRae's comments were sent in, but never make it into the report. Chair Yeatts stated that Board may need it by the 15th of October. Ms. McRae needs to be provided with enough time so the Board should ask her what kind of time frame she needs. Ms. Garbitt stated that she brought it up at a meeting that Ms. McRae's comments are not being entered into the report. Chair Yeatts suggested following up the comments in writing. Otherwise, the Town will be penalized for Net School Spending since the Town does not get credit for all that it has been contributed.

Review and vote to award propane bid

Ms. Garbitt stated that the Town only received one (1) bid for propane gas. Roby's Propane Gas submitted the bid at the same rate as last year.

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

VOTED: To award Roby's Propane Gas, Inc. Lakeville's propane gas service with a Delivery Fee of \$.28714, Other Fees of \$.18900 and Annual Cleaning/Maintenance of \$57.50 per hour.
Unanimous in favor.

Revisit electricity for Betty's Neck

Chair Yeatts stated that this matter has been tabled since she has not received three (3) bids.

Review by-laws and sample policy submitted by the Energy Advisory Committee

Ms. Garbitt stated that the Town has some templates for sample bylaws and policies. However, getting the changes on the October Special Town Meeting will not be possible since the Planning Board and Town Counsel need to review them. Ms. Garbitt stated that the Board would probably want to meet with the Planning Board on this. Chair Yeatts stated that the Selectmen will want the Planning Board to review before sending it to Town Counsel.

Review revised Middleborough/Lakeville Herring Fishery Commission By-laws

Chair Yeatts stated she feels that all the changes the Board asked for were made. However, she questions page 5. b-a 4. Selectman Maksy noted that they did not put in which Board of Selectmen. Ms. Garbitt pointed out that Lakeville does not get involved with the fees.

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

VOTED: To approve the Middleborough/Lakeville Herring Fishery Commission By-laws as revised.
Unanimous in favor.

Discuss request from Haunted House Committee to meet with Selectmen

Chair Yeatts requested that the Haunted House Committee be scheduled on the agenda for August 30, 2010 at 8:30 PM.

Request for signs – Lakeville Arts & Music Festival 2010

Chair Yeatts said the Lakeville Arts & Music Festival is requesting that they be allowed to place signs advertising the event at the Precinct and Pickens Street intersection; another on Sedell's lawn and 15-25 wired lawn signs on private property. They would also like the event posted on the Community Sign.

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

VOTED: To approve the signage requests of the Lakeville Arts & Music Festival for 2010 with the same conditions as last year.
Unanimous in favor.

Revisit Zoning Board of Appeals Petitions for 28 Central Avenue and review petition for 211 Old Main Street

Chair Yeatts stated there were two (2) Zoning Board of Appeals (ZBA) petitions to review. The first petition is for 28 Central Avenue. *Robert Whalen, the builder, is present for the discussion.* Mr. Whalen said he has been to the ZBA once to address their concerns. The carport and the entire paved area will be removed to make way for the new septic system. He is scheduled to meet with the Board of Health on August 18, 2010. The Board of Health has already deed restricted the property to a two-bedroom house. The owners are putting in a new septic system. He will be meeting with the Conservation Commission at the end of the month. No work will begin until he has prior approval by Board of Health and the Conservation Commission. The Board of Health has asked to have the water tested, and that has been done. He will be meeting again with the ZBA on August 19, 2010.

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

VOTED: The Board of Selectmen has no concerns as long as the Petitioner meets any concerns of the Board of Health and Conservation Commission.
Unanimous in favor.

The Board reviewed the petition for 211 Old Main Street. Chair Yeatts stated that she agreed with the Planning Board that this looks like an in-law apartment. Selectman Maksy stated that it appears like it could be an in-law apartment, and it does not have the Conservation Commission or Board of Health's approval.

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

VOTED: That the proposed renovations appear to be an in-law apartment and that the petitioner does not have Conservation Commission or Board of Health approval.
Unanimous in favor.

Review and vote to approve Selectmen's Meeting Minutes: March 16, 2010, April 6, 2010, April 7, 2010, and July 26, 2010

Chair Yeatts asked for clarification on page 4.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 16, 2010 as presented.
In favor 2, Abstain 1.

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

VOTED: To approve the Selectmen's Meeting Minutes of April 6, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of April 7, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of July 26, 2010 as presented.
In favor 2, Abstain 1.

Review and vote to approve Executive Session Meeting Minutes of April 6, 2010

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of April 6, 2010 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting

Crooked Lane Culvert Replacement

Chair Yeatts explained that when they rerouted the traffic due to a fire, the culvert got crushed, so the Highway Department made an emergency replacement. The Company that is installing the water main can do this work. They have estimated it is approximately three (3) days worth of work at a cost of \$20,000. Ms. Garbitt stated that the Finance Committee has the authority over the Reserve Fund and the Board of Selectmen can ask them to approve an emergency fund transfer. Chair Yeatts stated that the Conservation Commission is going to want a plan whether it is an emergency or not.

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

VOTED: To move forward with the Crooked Lane Culvert Replacement with an amount not to exceed \$20,000 and to ask the Finance Committee to approve the emergency transfer.
In favor 2, Abstain 1.

MMA Annual 6th Grade Essay Contest

Ms. Garbitt said it is time again for the MMA's 6th grade essay contest. She will forward the information to the Superintendent. Selectman Olivier stated that he would like to participate this year, and go to the school and speak to the students. He will get in touch with the Superintendent to discuss it. Chair Yeatts stated that the Superintendent should also speak to Freetown since it is a Regional School. The contest deadline for the students is November 15th and MMA needs to be notified of participants by September 10th.

Request to use Town House-Mullein Hill School

Ms. Garbitt stated that Mullein Hill School would like to use the Town House for the purpose of a yard sale to raise funds for an Africa Missions trip. It is available and she has their insurance certificate.

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

VOTED: To allow Mullein Hill School to use the Town House for the purpose of a yard sale on September 11th and September 12th from 8:00 AM to 5:00 PM to raise funds for an Africa Missions trip.
Unanimous in favor.

Discussion on additional five (5) hours for Treasurer/Tax Collector's Clerk

Selectman Maksy stated that he feels that the Town Administrator should allocate the five (5) hours as she sees fit in the Town Office Building. Chair Yeatts stated that she does not want to see the five (5) hours go to the Treasurer's Office. The Board wants cross training and this is the beginning of it. Chair Yeatts spoke about the Assessor's Office only being open three (3) days a week to the public. Selectman Maksy suggested to first see what the Assessors energy savings have been since that is why the Board closed the Town Offices on Fridays in the first place. If they want to open on Fridays, then let them show us if there was an energy savings. The Board needs more information before it can make a decision on this matter. Further discussion took place on the matter. It was pointed out that Ms. Garbitt does need help in her office. Ms. Garbitt is to keep an accounting on where the five (5) hours are used each week.

Other Items

1. Memo from Open Space Committee regarding Gateway Commons – Harding Street
Chair Yeatts stated that she thinks that they need to maintain the setbacks from any water or wetlands, especially the cold water stream. She does not know what the Conservation Commission has said as of yet. The water run off coming from the parking lot will be warm. She asked that this be forwarded to Dick Turner and the Conservation Committee.
2. Thank you letter to Fire Department from Deborah Harris
3. Information regarding the possible closure of Wareham District Court
Ms. Garbitt stated that on August 12, 2010 there is a hearing about possible closure of the Wareham District Court. It would be a detriment to the area if it is closed.
4. Letter from Board of Health from 5 Birch Street
5. Notice from Board of Health regarding additional EEE findings
Chair Yeatts read about the curfew and how it will remain in effect even though the spraying has been completed.
6. Letter from City of New Bedford regarding closure of White Banks area
7. Information from Ken Motta regarding Route 79 relocation
8. Information from MMA regarding comprehensive Wind Energy Siting Reform
9. Letter from Town Counsel regarding annual appointment
10. Letter from City of Lowell regarding Home Rule Petition regarding Plan Design Changes
Selectman Olivier stated that the City of Lowell is going to petition the State Home Rule to be allowed to purchase group insurance policies without being subject to collective bargaining. Chair Yeatts said it will be interesting to follow this and see how they do.
11. Letter from DEP regarding Blueberry Estates
12. Letter from DEP regarding Issuance of Waterways License-123 Nelsons Grove Road
13. Letter from DEP regarding SRF Loan Program

14. Letter from PERAC regarding Municipal Early Retirement Program
15. IGR FY11 Waivers to Education Reform Spending Requirements & Minimum Required Local Contributions
Selectman Olivier asked if the Town qualified for some of the criteria. Chair Yeatts responded that last year the Town did. Ms. Garbitt stated that the Town's request was denied.
16. Notice of 2nd Annual Regionalization Tool Kit Conference – SRPEDD
17. Information from SRPEDD regarding Transportation Focus Groups
18. Letter from DCR regarding zoning of DCR lands
Chair Yeatts stated that she was unable to access the survey. She asked that the web address be checked.
19. MMPA Skop Award Nominations Due August 30, 2010
20. Letter from Comcast regarding service updates
21. Thank you card from The Tuesday Club
22. Notice to Abutters Lots 2 & 8, 202 County Road
23. Memorandum from Kopelman and Paige regarding Land Use Permit Extensions
24. Commendation letter from Acting Police Chief to Officer Amaral and Office Joyce
Chair Yeatts read the letter into the record. This was regarding the incident on June 23, 2010 regarding a pit bull attack at 4 Helen Street.

Adjournment

At 9:21 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss strategy with respect to litigation and collective bargaining, specifically the Board will discuss potential litigation and the Fire Collective Bargaining Agreement, and the executive session is because an open meeting may have a detrimental effect on the Board's litigating and bargaining position. The roll call vote was unanimous. Polled vote of Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Yeatts – aye.