

SELECTMEN'S MEETING MINUTES
Tuesday, April 6, 2010

On April 6, 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 Chairman Maksy at 7:03 PM. Selectmen present were: Selectman Maksy, Selectman Olivier and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Reorganization of Board of Selectmen

A welcome was given to Steve Olivier, who is the newest member of the Board.

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

VOTED: To appoint Nancy Yeatts as Chair of the Board of Selectmen.
Unanimous in favor.

Upon a motion made by Selectman Olivier; with Chair Yeatts stepping down to second, it was:

VOTED: To appoint Selectman Maksy as the Director of Veteran Services.
Unanimous in favor.

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

VOTED: To appoint Chair Yeatts as Representative to the Plymouth County Advisory Board.
Unanimous in favor.

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

VOTED: To appoint Selectman Olivier as ADA Coordinator.
Unanimous in favor.

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

VOTED: To appoint Selectman Olivier to the Wage & Personnel Board.
Unanimous in favor.

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

VOTED: To appoint Selectman Maksy as Parking Clerk
Unanimous in favor.

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

VOTED: To appoint Chairman Yeatts as Joint Transportation Planning Group Alternate Delegate.
Unanimous in favor.

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

VOTED: To appoint Selectman Maksy as the Representative of the Board of Selectmen to the Ted Williams Camp Commissary Renovation Committee.

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

VOTED: To appoint Chairman Yeatts to the Master Plan Implementation Committee.
Unanimous in favor.

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

VOTED: To appoint Selectman Olivier as School Department Liaison.
Unanimous in favor.

Old Business

Review Attestation Letter for Regional 911 Feasibility Study

Chairman Yeatts stated a letter had been received from Ross Perry, Municipal Management Specialist from SRPEDD, dated March 29, 2010. She said that she would like to participate in the Regional 911 Feasibility Study. The Study Committee will investigate the feasibility of one (1) or more entities forming and joining a regional PSAP or RECC; to increase public safety and improve the operating efficiency of their dispatch operations; with cost offset by a State 911 grant. There are no ongoing obligations if the results of the study do not meet Lakeville's expectations to promote public safety, improve operational efficiencies and reduce overall costs. The Feasibility Study is only an exploration of options, it is not an indication of operational or policy changes by any of the participants. Selectman Olivier stated that he would like to add language with the understanding that it is not an indication of policy changes; it is only an exploration of options.

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

VOTED: To sign and send the letter to the Executive Director Pozniak that the Board of Selectmen, the Fire Chief, and Acting Police Chief of the Town of Lakeville, acting in their official capacity, attest to the fact that the Town of Lakeville has agreed to participate with: Acushnet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Mansfield, Marion, New Bedford, Raynham, Seekonk, Swansea, UMASS-Dartmouth in studying the feasibility phase only of planning and forming a regional PSAP(s) or regional emergency communication center(s) as set forth in the application for State 911 Department Development Grant funding submitted by SRPEDD.
Unanimous in favor.

Update regarding flood issues

Selectman Maksy stated that at 10:00 AM tomorrow there will be a meeting at the Lakeville Public Library to announce the opening of a Disaster Relief Center (DRC). Officials from FEMA, MEMA, and the SBA will be able to assist residents through the application process and answer any questions that might arise. Ms. Garbitt stated that she had received a press release that shows the different times that FEMA will be at the Library. It will be open seven (7) days a week from 10:00 AM to 6:00 PM.

New Business

Discuss Request from Superintendent of Streets – Closure of Precinct Street during water main installation

Mr. Peck stated that he received a request from Celco Construction Corporation, the contractor installing the water mains, to shut down Precinct Street from 8:00 AM to 4:00 PM between Barstow Street and Montgomery Street. Selectman Maksy stated that he was concerned about the heavy traffic, like Morse Concrete. Mr. Peck stated that he can talk to the detail officers about that since they are allowing buses to go through. He added that none of the streets in Town are designed for the heavy trucks going up and down the streets. The contractor installed the tap yesterday and now are working on the water main. Selectman Maksy asked if Mr. Peck could speak to Morse about the concrete trucks going an alternate route, and if it is a problem, then we can try to work something out.

Review Town Roadway Storm Damage Priority Repair List from Superintendent of Streets

Selectman Maksy stated that he wanted to personally thank Ken Motta of Field Engineering for his assistance since he has been available since day one to help with the flooding situations in Lakeville. Mr. Peck then showed some photographs regarding damage caused by the flooding. The most severe damage is on Long Point Road. There is about a 30-foot drop and a 100-foot section of road that moved down the slope due to a combination of wind, rain and run-off. Mr. Motta stated that he has reviewed the projects to determine what projects could be submitted to FEMA for reimbursement due to the storm. The storm consists of when the rain began on March

12, 2010. There is not a closing date on the incident period as of yet. The Town has an opportunity to submit to FEMA figures either for emergency response actions, police, fire, etc., or for infrastructure damages, repairs, labor and material repair. The Town must get the preliminary damage assessment report into FEMA to start the process. It will also help with municipal buildings for any deductibles that insurance will not cover.

Selectman Maksy stated that the Town of Middleborough said they own the Nemasket River and we need to determine that and see that paperwork. Chairman Yeatts stated that New Bedford owns a portion and also Middleborough. She will get the paperwork on that. Selectman Maksy stated that if the bordering/neighborhood Towns do not do anything about the problems that took place, it only hurts Lakeville. Therefore, does Lakeville go to the Attorney General if they do not do anything? Chairman Yeatts stated that the dam is the gatehouse with the fish ladder and the dam is the whole structure that goes down to the gate. Mr. Motta stated that the Board needs to get the facts together and then they can ask appropriate questions. Selectman Olivier asked if you can add to the report once it is started. Mr. Motta responded that since the time is still open, it is a projection. The Town can put together what the expenditures have been to date and state that the Town reserves the right to submit an amendment to their initial report. Once FEMA set the closure date, then the Town cannot capture anything beyond that. Mr. Peck stated that he still needs to get to the west side of Town and see what is going on there. We are looking at washouts, like Pierce Avenue and Kingman Street, and are trying to mitigate problems there.

Selectman Maksy asked if the Town can put things on the list so not to miss them and then figure out whose responsibility it is later. Mr. Motta responded that the Town can do that, to at least have a paper trail. Mr. Peck said he repaired a major culvert today and will be doing more tomorrow. Mr. Motta distributed copies of the draft initial damage report. Mr. Peck stated that there was only a small amount of damage done at the Transfer Station. Further discussion took place on this matter. Mr. Motta stated that they will be doing the projects on Mr. Peck's list that they feel are eligible and putting dollar values there for long term repairs. The biggest issue is Long Point Road, and it is felt that the Town will get a good reimbursement on that. They will keep the Board updated and provide copies.

Mr. Peck stated that he checked with Howland Disposal to get prices regarding disposing damaged items. He would like to avoid the stuff going to the Transfer Station since the Town will have to pay for it. Dumpsters can be brought into the locations where the damage was the worst. They can either be left there or on certain days at the Transfer Station available to the residents. Selectman Olivier stated that they may have to stage the dumpsters, since the water has not receded completely in many areas. Mr. Peck stated that they could have the residents put their stuff out and then have the company come down and get it with their dumpsters. Ms. Garbitt stated that the Town is receiving many questions from residents about bringing their debris to the Transfer Station, so it needs to be isolated. Mr. Peck stated that it will cost \$80 to haul the debris out. He will get a few more prices from other companies for comparison purposes. Chairman Yeatts suggested that a cleanup be done now and then later. Selectman Maksy suggested putting one (1) dumpster at the Transfer Station so it can be monitored. Ms. Craig stated that CRT Recyclables has offered to help the Town anyway that they can. Mr. Peck stated that the difficulty will be companies that still have dumpsters available. He would like to

put one at Clark Shores and Huckleberry Shores. Chairman Yeatts added that they should put one at the Transfer Station also.

Discuss Emergency Spending for the Storm pursuant to Chapter 44 Section 31

Chairman Yeatts stated that Chapter 44, Subsection 31 allows emergency spending in cases of natural disasters with a 2/3's vote of the City Council or a majority vote of the Board of Selectmen and with the approval of the Director of Accounts. This option may provide for immediate spending authority until other remedies, such as loans approved by the Emergency Board are in place. Ms. Garbitt stated that if the Board votes this, then the Town will be able to deficit spend.

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

VOTED: To authorize Chapter 44, Subsection 31 Emergency Spending in cases of natural disasters.
Unanimous in favor.

Selectman Olivier asked how will the Town monitor the additional costs? Ms. Garbitt responded that the Town can raise the funds in the next year's tax levy. If the Town has available funds at the Special Town Meeting for transfers, we can take care of the deficit then. The reimbursement will not come in for nine (9) months to a year later.

Discuss setting up a Town Gifts & Grants Account for Displaced Disaster Victims

Selectman Maksy stated that he would like to make sure that the Town sets up an account to accept donations for the flood victims and that it is the only one authorized by the Town. Ms. Garbitt stated the account will be set up at Eastern Bank. She is working on the name for the account. It will be clear that this account is for displaced flood victims only. Chairman Yeatts asked how people would access the funds. Ms. Garbitt stated that she and Fire Chief Hopkins have been working with families at the Days Inn. They were dispersing gift cards to the families to retail stores, for groceries and for gasoline. The Town is keeping track of who is receiving this aid and how much is being given out. Two (2) more victims came forward today that were not known about. Chairman Yeatts stated that she wants to make sure it is based on need and the rules are equal for everyone. Ms. Garbitt stated that anyone can also donate to a specific family, and the Town will make sure that that family receives the donation. Some of the donations are anonymous. but we are keeping track of names to send thank you letters.

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

VOTED: To set up a donation account for Displaced Flood Victims at Eastern Bank.
Unanimous in favor.

Discuss lettering on Water Storage Tank

Chairman Yeatts stated that the Water Storage Tank will read Town of Lakeville, but the company wants to know what direction the wording will face. The lettering will be visible from Route 79, but then once they are to the trees past the landfill, then it cannot be seen. It was decided to place the lettering south, southwest.

Review and vote to sign the FY11 Agreement for Vision Appraisal

Ms. Garbitt stated that the Town does have the money set aside for Vision Appraisal.

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

VOTED: To sign the FY11 Agreement for Vision Appraisal.
Unanimous in favor.

Request for use of Town Office Building by Boy Scout Troop 26 for car wash

Chairman Yeatts read the request from Boy Scout Troop 26 to hold a car wash at the Town Office Building. She noted that they have met the necessary insurance requirements.

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

VOTED: To approve the use of the Town Office Building for a car wash by Boy Scout Troop 26 on May 1, 2010 with alternate rain date of May 22, 2010.
Unanimous in favor.

Request for use of Town House by Lakeville Area Mother's Club for Annual Yard Sale

Chairman Yeatts read the request from the Lakeville Area Mother's Club to hold their annual yard sale at the Town Office Building. She noted that they have met the necessary insurance requirements.

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

VOTED: To approve the request for the Lakeville Area Mother's Club to use the Town House for their Annual Yard Sale on May 7, 2010 from 4:00 PM to 9:00 PM to set up and on May 8, 2010 from 8:00 AM to 3:00 PM.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that the Litter Lifters have asked to use the Town House as their venue for their Lakeville Litter Lifters Earth Day Clean Up on April 10, 2010 since the Tamarack Park is closed. Normally the Highway Department parks a truck at the park to collect the rubbish.

Chairman Yeatts stated that she is not in favor having this take place at the Town House. Ms. Garbitt suggested holding it at the Town Office Building.

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

VOTED: To allow the Litter Lifters to use the Town Office Building for their Earth Day Cleanup on April 10, 2010.
Unanimous in favor.

Ms. Garbitt stated that there are two (2) items scheduled for the Community Sign, the Earth Day Clean up and the Regionalization meeting. However, the Town really should have FEMA on the sign, but Ms. Craig cannot put more than two (2) messages on the sign. Chairman Yeatts stated that FEMA, then the Earth Day Clean up should be on the sign in that priority.

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

VOTED: To have the FEMA Disaster Recovery Center and the Earth Day Clean Up on the Community Sign.
Unanimous in favor.

Other Items

At 7:25 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

VOTED: To enter into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position and not return to Open Session. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; and to actually conduct collective bargaining and contract negotiations with non-union personnel. Specifically, the Board will discuss the Teachers' Collective Bargaining Agreement.
Polled vote of Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Yeatts – aye.