

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
April 9, 2012 - 7:00 PM

On April 9, 2012, 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. James Cosgrove, Representative of Comcast, was recording the meeting.

Discuss all Casino Matters for the Town of Lakeville

Chairman Maksy stated that the Board would like to set up a Casino Advisory Committee, which would look at issues associated with a casino coming into Lakeville, Freetown or the southeastern Massachusetts region. He said one issue to be determined is who the Town should use for legal counsel. Lakeville and Freetown both use Kopelman & Paige for Town Counsel. The pros and cons of this were discussed. Adam Bond of Middleborough stated that he has been through this before in Middleborough. Since the land being proposed is located in both Towns, it needs to be determined what the motivation is for each Town to host the casino. The thought process should be that the Towns act as one, and then create a compact between Freetown and Lakeville. If Lakeville does not want it, and Freetown does, then Lakeville needs to have Town Counsel negotiate on behalf of Lakeville. Mr. Bond said Lakeville will need to find out what legal counsel will charge, what the budget is from the Tribe, and what the Town may have to expend.

Chairman Maksy stated that Lakeville will need to forward the language to the Town Clerk for the ballot question scheduled for June 2, 2012. The Town Clerk needs the language prior to April 27, 2012. Ms. Garbitt pointed out that the question is non-binding and no matter what the vote turns out to be, the Tribe could still go forward. Nelson Pratt of Lakeville stated that the Town has to have a vote, but the vote is non-binding. It does not matter what the outcome is, but the perception of whether the Town wants the casino will be made clear when the vote takes place. Before the Town spends any money, the Town should go to the State first and find out if the State can help with funding legal fees, since it is not known how much will be needed. Chairman Maksy explained that is why the Board would like to put a committee together and get those questions answered. Ms. Garbitt stated that she called the Gaming Commission and asked them the questions the Selectmen had. However, they were having their first meeting today and put her in touch with the Governor's Legal Counsel, but she was unable to get answers to the questions. Norman Orrall stated that since the Town has no details, what is really being asked? The Tribe may or may not answer the questions. It is true this could go nowhere, and the Town could spend a lot of money for a project that is not real. The Taunton location is next door, so Lakeville needs to be communicating with that Town as well. Selectman Belliveau stated that the Board wants to get a committee together since there could be multiple casinos.

Mr. Bond suggested that the first step would be to say that the Town wants to set up a budget, and find out if there are any limitations with the Tribe regarding that. There should not be any taxpayer money that goes into this. Chairman Maksy stated that that is why a committee needs

to be up and running as soon as possible. It was requested that a notice be placed in the Gazette for residents-at-large for the committee. Mr. Bond suggested obtaining the minutes from the Middleborough Casino Resort Advisory Committee. The Town should make a list of consultants that will be used for the various studies that will be required, since there may be some conflicts with the Tribe and who they may be working with.

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

VOTED: To authorize Selectman Belliveau to contact Freetown, Taunton and Fall River to speak with them on the casino issue.
Unanimous in favor.

A discussion occurred on the membership on the committee, and whether to have residents from other Towns serve in an ex officio role in order to offer their expertise. Ms. Garbitt stated that they can ask the Tribe to be prepared to speak on the financial part of the casino, as well as, who the backers are. The Town has already asked them for \$6,000 to cover the election costs. Mr. Bond suggested that Ms. Garbitt call Kopelman and Paige and request that they contact the Tribe to see if they are prepared to pay.

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

VOTED: To authorize Ms. Garbitt to contact Kopelman and Paige to have them contact the Tribe to see if they are prepared to pay for the election and legal expenses.
Unanimous in favor.

Selectman Belliveau stated that he would contact Chairwoman Maltais-Andrews tomorrow if the Board did not mind in order to find out what the Tribe would pay for. Chairman Maksy stated that if he does not find out what they will pay for, then Ms. Garbitt could contact Town Counsel. Allin Frawley of Middleborough stated that the Town has a responsibility to have the vote, but the Tribe has no responsibility to tell Lakeville anything. Chairman Maksy responded that the Tribe is very vague. That is why the Board wants the committee to set up quickly since they have a lot of work in front of them. Ms. Garbitt suggested a deadline for letters of interest to be April 19, 2012. They could then be appointed on April 23, 2012. Selectman Belliveau will call Freetown and Chairwoman Maltais-Andrews. He will see if they can meet next week.

Ms. Garbitt stated that she would like to forward the ballot question that Kopelman and Paige prepared to Michelle Tassinari at the Secretary of State's Office. Janet Tracy, Town Clerk, had been speaking with Ms. Tassinari. It was agreed to forward the question to Ms. Tassinari. Selectman Powderly stated that the Tribe has been informed that if they do not have public forums and answer the taxpayers' questions, then it will work negatively against them. Mr. Bond stated that he would ask if the question could be added to, since it is their intent to make this a sovereign casino. Chairman Maksy asked about the charge for the committee. Ms. Garbitt said the committee could be called the Lakeville Casino Advisory Committee. Chairman Maksy stated that this work needs to be completed in six (6) to seven (7) weeks and will be ongoing. Selectman Belliveau agreed that this committee will be ongoing since, like it or not, there will be

a casino in the area, and it will have an impact on Lakeville. It was decided that the committee will consist of five (5) at-large members, the Building Commissioner, a member from the Conservation Commission, Planning Board, Open Space Committee, Finance Committee and the three (3) Selectmen. After a discussion, it was agreed to add a member from the Zoning Board of Appeals.

Discuss receipt of Estimated Payment received from Comcast for 2012

Ms. Garbitt stated that according to the new contract with Comcast, they were to make an advance payment of \$90,000, which represents four (4) quarterly payments of \$22,500. This represents 4% of the estimated subscriber monies. The payment of \$90,000 has been received. She is asking whether the Board would like to hold the full amount and advance \$22,500 quarterly to the Cable Access Corporation. This would allow the Town to invest the funds and receive the investment income. However, the Access Corporation would like the entire \$90,000. The Town Accountant would prefer that the Town hold the funds and advance them \$22,500 each quarter. Selectman Belliveau stated that the funds were created so that the Cable Studio can move forward. After further discussion, it was decided that the full amount should just be advanced to the Cable Access Corporation.

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

VOTED: To forward the \$90,000 as received from Comcast, which represents four (4) quarterly payments to the Cable Access Corporation.
Unanimous in favor.

Review and discuss Draft Request for Proposal for Cellular Antennas on the Water Tower

Chairman Maksy explained that the Water Tower was designed and built with brackets on it to allow the installation of cellular antennas to raise additional revenue for the Town. Ms. Garbitt noted that a draft Request for Proposal (RFP) has been prepared and that there were some questions, which are in bold. Town Counsel suggested that the language read that the award of the contract is subject to Town Meeting Approval for the lease of the space on the water tower. Discussion then took place on the number of elevations and locations for the antennas. There was no objection from the Board to also include the installation of antennas on the handrail. The dates on the proposal will be updated. On Page 5, Section IV (Description of Property to be Leased) it was decided that the second paragraph should read: Board of Water Commissioners and/or Superintendent of Streets. Chairman Maksy asked to make sure that the terms of lessee or rent, etc. all be clarified. Ms. Garbitt stated that Town Counsel recommended calling other communities to find out what their rates are for comparison purposes. Ms. Craig stated it appeared that \$24,000 per year was an amount that other towns were charging. Ms. Craig noted that according to the engineer, there are six (6) elevations, but it is not known how many antennas per elevation.

After discussion on the amounts to charge for the antennas and what percentage to use for an escalation amount, it was suggested by Chairman Maksy to put this on hold and find out if the numbers are correct and to obtain further clarification.

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

VOTED: To table the RFP for cellular antennas on the Water Tower until more information is received on potential rental rates.
Unanimous in favor.

Review and vote on transfer of funds to the School Department

Ms. Garbitt explained that if the Selectmen voted to transfer the balance in the LEAPS Program and School Lunch Account, the vote would close out all the local school accounts. The Town has been paid for the vans. Ms. Garbitt recommended that the Board keep \$17,394.74. Selectman Olivier had previously arranged with the Regional Finance Committee that the Region would pay for the longevity for the two (2) Assawompset teachers that retired. In return, the Town will release all of the funds on the memo stamped March 1, 2012, except for the LEAPS Program. The Town has already sent all the funds, with the exception of the LEAPS and School Lunch Program. Chairman Maksy suggested holding back the \$11,000, which is the amount due for the longevity. Selectman Belliveau asked if the Region should be advised that the amount for the LEAPS Program is actually the \$17,394.74 amount and not the \$20,861.60 amount that they have. Ms. Garbitt stated that she would advise the Region.

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

VOTED: To retain the \$17,394.73 (LEAPS) and hold back the amount in the School Lunch Program (\$19,969.32) until the Town has confirmation that the School Department has paid the longevity amount of \$11,000 for the two (2) Assawompset teachers.
Unanimous in favor.

Discuss updating Regulations and Fees for Taxi Cabs

Ms. Garbitt stated that there a resident in Town who would like to open a taxi service and has come in for an application. There is a regulation in place for taxicabs, which was adopted by the Selectmen on January 9, 1988. Ms. Craig has researched current rates in other communities. Typical rates are \$4.00 for the first mile and \$3.00 for each mile after that.

Selectman Belliveau suggested that the Board be provided with information from the resident on what he will need to charge to be self-sustaining. Ms. Craig will find out from him and provide this information to the Board at their next meeting. She asked if the taxi cab regulations should be amended so that operators could have criminal background checks done. The Town does not do criminal background checks on the livery companies that the Town presently licenses. Chairman Maksy suggested to put in a draft section about the CORI's and to also contact the Police Chief about the matter.

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

VOTED: To table the discussion about updating regulations and fees for taxi cabs until the next meeting of the Board.
Unanimous in favor.

Discuss letter from Marilyn Mansfield regarding Retirement

Chairman Maksy read Ms. Mansfield's letter of retirement into the record.

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

VOTED: To accept Ms. Mansfield's retirement with regret and to send her a letter to wish her well.
Unanimous in favor.

Discuss letter from Nancy Teser regarding Retirement

Chairman Maksy read the retirement letter into the record.

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

VOTED: To send a letter of thanks to Nancy Teser for her 23 years of service and to accept her retirement as of July 27, 2012.
Unanimous in favor.

Review and vote to approve NPDES PII Small MS4 General Permit Annual Report

Ms. Garbitt said this is more commonly known as the Stormwater Management Permit that the Town must file annually. The Chairman needs to sign the report.

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

VOTED: To approve and authorize the Chairman to sign the NPDES PII Small MS4 General Permit Annual Report.
Unanimous in favor.

Discuss requesting Verizon to omit Local Issuing Authority's contact information on Verizon bills

Ms. Garbitt explained that the Selectmen's Office receives a lot of phone calls at various times since the Selectmen's phone number is listed on the Verizon cable bill as the Issuing Authority. Verizon will only remove the phone number if they get a letter from the Selectmen requesting to remove it.

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

VOTED: To send a letter to Verizon requesting that the Selectmen's Office phone number be removed from their bills.
Unanimous in favor.

Request for Road Cut-Bay State Gas-14 Rhode Island Road

Chairman Maksy said that a request for a Road Cut has been received from Bay State Gas for the property located at 14 Rhode Island Road.

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

VOTED: To authorize the Road Cut for Bay State Gas at 14 Rhode Island Road, subject to the Superintendent of Street's requirements as set forth in his letter dated April 5, 2012.
Unanimous in favor.

Discuss request from Conservation Commission to apply for a Forest Stewardship Plan – Vigers Property – Pickens Street

Linda Grubb was present for the discussion. Ms. Grubb explained that the application is basically the same as was just recently done for Betty's Neck. Ms. Grubb told the Board that the Vigers Property was purchased through a vote at Town Meeting for Conservation Use. Selectman Powderly asked if the Town ever goes onto the property to cut and thin out the trees. Ms. Grubb responded that is an option. However, it is not clear if the Selectmen or the Conservation Commission would have the authority to do that. Any monies raised could be used to maintain trails or do any other necessary work. Ms. Grubb said there is a management plan from 1968 for the property. She would like the Town to apply for a Forest Stewardship Plan for the Vigers property. It would be beneficial to know what there is out there in terms of areas of disease or what should be done.

Chairman Maksy asked if Howland Road could be looked at as well. Ms. Grubb responded that that request would have to come from the Selectmen since it is Town owned property and not under any restrictions. Chairman Maksy suggested asking the Open Space Committee to look into this for the Board. Ms. Grubb noted that the property is zoned Industrial, but would like the 600 acres to be considered Open Space. Ms. Grubb will recommend this at the upcoming Open Space meeting.

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

VOTED: To move forward with the grant application for a Forest Stewardship Plan with the Vigers property on Pickens Street.
Unanimous in favor.

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

VOTED: To recommend that Ms. Garbitt look into applying for a grant for the Howland Road property for the Forest Stewardship Plan.
Unanimous in favor.

Discuss appointment of Veteran's Agent and Graves Officer

Ms. Garbitt mentioned that as Graves Officer, Ms. Mansfield puts flags on the graves of all veterans buried in Lakeville.

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

VOTED: To re-appoint Marilyn Mansfield as Veteran's Agent and Graves Officer with a term expiring April 30, 2013.
Unanimous in favor.

Discuss appointment of Animal Control Officer and Assistant Animal Control Officer

Chairman Maksy read the memo regarding the reappointments of the Animal Control Officer and Assistant Animal Control Officers.

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

VOTED: To reappoint David Frates, Animal Control Officer and Constable; Jared Darling, Assistant Animal Control Officer; Laurice Hedges, Assistant Animal Control Officer; Darcy Lee, Assistant Animal Control Officer; and Jennifer Nash, Assistant Animal Control Officer, all for terms to expire April 30, 2013.
Unanimous in favor.

Discuss appointment of Marilyn Mansfield to Old Colony Elder Services Board

Chairman Maksy read the notice regarding appointment of a member to the Old Colony Elder Services Board. Currently Lakeville's representative is Marilyn Mansfield and she would like to continue in that position.

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

VOTED: To appoint Marilyn Mansfield to the Old Colony Elder Services Board with a term from July 1, 2012 through June 30, 2013.
Unanimous in favor.

Discuss appointment of SRPEDD Commissioner and JTPG Delegate

Chairman Maksy read the notice from SRPEDD regarding appointing a SRPEDD Commissioner and a Joint Transportation Planning Group Delegate (JTPG).

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

VOTED: To retain Rita Garbitt as alternate JTPG Delegate and Christopher Peck as JTPG Delegate.
Unanimous in favor.

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

VOTED: To appoint Rita Garbitt as SRPEDD Commissioner from May 23, 2012 through May 31, 2013.
Unanimous in favor.

Discuss appointment of Nathan Darling to Energy Advisory Committee

Chairman Maksy read the letter from Nathan Darling, requesting to be appointed to the Energy Advisory Committee. He would be serving as the Building Commissioner's designee.

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

VOTED: To appoint Nathan Darling to the Energy Advisory Committee, as designee for the Building Commissioner.
Unanimous in favor.

Review and vote to approve Selectmen Meeting Minutes of January 9, 2012; January 18, 2012; January 19, 2012; January 23, 2012; February 6, 2012; March 5, 2012 and March 29, 2012

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

VOTED: To accept the Selectmen's Meeting Minutes of January 9, 2012 as presented.
Unanimous in favor.

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

VOTED: To accept the Selectmen's Meeting Minutes of January 18, 2012 as presented.
Unanimous in favor.

Upon a motion made by Selectman Belliveau, seconded by invoking the rule of necessity by Selectman Powderly, it was:

VOTED: To accept the Selectmen's Meeting Minutes of January 19, 2012 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of January 23, 2012 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of February 6, 2012 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 5, 2012 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 29, 2012 as presented.
Unanimous in favor.

Review and vote to approve Executive Session Meeting Minutes of March 26, 2012 and March 27, 2012

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

VOTED: To approve the Executive Session Meeting Minutes of March 26, 2012 as presented.
Unanimous in favor.

Upon a motion made by Selectman Belliveau, seconded by Selectman Powderly by invoking the rule of necessity, it was:

VOTED: To approve the Executive Session Meeting minutes of March 27, 2012 as presented.
Unanimous in favor.

New Business

Ms. Garbitt stated that the Board of Health voted to renew the agreement with the Town of Middleborough for nursing services.

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

VOTED: To approve the contract with the Middleborough Health Department for nursing services.
Unanimous in favor.

Ms. Garbitt stated that she had received a letter from FEMA commending the Board on their efforts in implementing the floodplain management measures for the Town of Lakeville to participate in the National Flood Insurance Program (NFIP). There will be a hearing on April 10, 2012 at 8:00 PM in the Selectmen's Office.

Selectman Belliveau read the notice about Earth Day in Lakeville on April 14, 2012. The Lakeville Litter Lifters have organized a clean-up and would like everyone in Lakeville to consider participating in the celebration by joining them between 9:00 AM and 11:45 AM to pick up litter on Lakeville's roadside.

Old Business

Ms. Garbitt stated that the Board can wait to do most of their reorganization at the next meeting. However, the Board should appoint a member to the Regional Finance Subcommittee, as they will be meeting before the next Selectmen's meeting.

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

VOTED: To appoint Selectman Belliveau to the Regional Finance Subcommittee.
Unanimous in favor.

Ms. Garbitt noted that the Selectmen are not posted for the Planning Board meeting tomorrow night, but they will be posted when they meet with them on April 24th. The Board can attend tomorrow evening, but cannot vote.

Any other business that may properly come before the meeting

Selectman Powderly stated that Ed Rand had called him after the last Selectmen's meeting and asked if there were any important items to speak on. It was the consensus of the Board to designate Selectman Powderly to speak with Ed Rand after the Selectmen's meetings.

Ms. Garbitt stated that Robert Iafrate, Building Commissioner, inspected Assawompset School for the termite problem. He did not feel it was a big problem. Chairman Maksy stated that if the Town is going to be asked to pay for this, the Town should seek their own estimates. Also, the Town is not responsible for maintenance issues, so he doesn't feel the Town should be

paying for this. Ms. Garbitt stated that the Regional Agreement will have to be reviewed. Selectman Belliveau explained that this is not improving the building; this is pest elimination.

Other Items

1. Notice from Board of Health regarding Reorganization
2. Letter received from Senator Mark Pacheco regarding Taunton State Hospital
3. Letter from Keith Huntoon & Lynn Dalton-Huntoon regarding Animal Control Officers
Chairman Maksy offered his compliments to David Frates regarding the letter that was received from Lynn M. Dalton-Huntoon. The letter was read into the record.
4. Letter from Executive Office of Labor and Workforce Development regarding Municipal Unemployment Issues
5. Letter from Mass DOT regarding Pre-Construction Conference-Route 105/495 Ramps
Ms. Garbitt updated the Board regarding the meeting that will take place on Friday, April 13, 2012 at 10:00 AM in Taunton regarding the contract, which consists of intersection improvements and related work at the Route 105 to Interstate 495 Ramps.
6. Notice of Joint Transportation Planning Group meeting-April 11, 2012
7. Notice of SRPEDD Annual Awards and Request for Nominations
8. Notice of Plymouth County Advisory Board Annual Meeting-April 26, 2012
Selectman Belliveau stated that he will not be able to attend this meeting. This is the Annual Meeting, where the budget is voted on. Chairman Maksy and Selectman Powderly will check their schedules and let Ms. Garbitt know if either of them can attend in Selectman Belliveau's stead.
9. Letter from State Reclamation and Mosquito Control Board seeking Mosquito Control Commissioners
Ms. Garbitt stated that the Mosquito Control Board was seeking input. Selectman Belliveau asked for the Board of Health to be contacted to offer their input on this.
10. MMA Alert-Senate Energy Bill Threatens Local Property Tax Payments
11. Letter from DEP regarding the end of the Department Approved Recycling Program
12. DOR Informational Guideline Release-Overlay and Overlay Surplus
13. Mass Wildlife News
14. Letter from Executive Office of Public Safety and Security regarding FCC Narrowband Mandate
Ms. Garbitt explained that the Fire Department is all set, but she does not know about the Police Department. According to the letter, the Town would have to spend about \$13,000 to be in compliance.
15. Letter from ISO regarding Building Code Enforcement Evaluation Report and Building Code Effectiveness Grading Schedule Classification
16. Letter from Peabody Properties, Inc. regarding The Fairways
17. Reorganization memo from Freetown/Lakeville Regional School District Committee
18. FY13 Budget from Old Colony Regional Vocational Technical High School District & Audit of Old Colony Regional Vocational Technical High School District-Year ending June 30, 2011
19. GATRA Meeting Notice and Agenda for May 3, 2012
20. Letter from Dighton Board of Selectmen regarding their Founders' Day Celebration on May 12, 2012

At 9:35 PM, upon a motion made by Selectman Belliveau, seconded by Selectman Powderly, it was:

VOTED: To enter Executive Session and not return to open session to discuss strategy with respect to the Collective Bargaining Agreements with the Police and Fire Unions because an open meeting may have a detrimental effect on the negotiating position of the Board, to discuss strategy in preparation for contract negotiations with non-union personnel, (specifically the Fire Chief's contract), and to discuss strategy in preparation for negotiations with non-union personnel.

Polled vote: Selectman Belliveau-Aye, Selectman Maksy-Aye, and Selectman Powderly-Aye.