

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**April 30, 2012 - 7:00 PM**

On April 30, 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. Cindy Dow of The Middleborough Gazette was recording the meeting.

**7:00 PM Public Hearing for Lakeville Golf Club for Alteration of Premises**

*Madelyn Maksy was present for the discussion.* Chairman Maksy stepped down from the Board for this discussion. Selectman Belliveau read the published legal notice into the record for the hearing.

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

VOTED: To open the public hearing for Lakeville Golf Club for an alternation of premises for their Common Victualler License to Sell All Alcoholic Beverages at 44 Clear Pond Road, Lakeville, Massachusetts.  
Unanimous in favor.

Selectman Belliveau explained that the Lakeville Golf Club has applied for an alteration of premises on their liquor license. They are proposing to construct a 32' x 70' pavilion for outings and tournaments and also to use a beer cart for all 18 holes, the pavilion area, and patio/deck area. An abutter asked if there will be kitchen facilities or added bathrooms. Ms. Maksy responded that there would not be. The structure is like a tent, and the food will be brought out to the patrons by the caterers. It is to be a year round structure.

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

VOTED: To close the hearing.  
Unanimous in favor.

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

VOTED: To approve the construction of a 32' x 70' pavilion for outings and tournaments and the use of the beer cart for all 18 holes, the pavilion area and the patio/deck area for Lakeville Golf Club at 44 Clear Pond Road, Lakeville, MA.  
Unanimous in favor.

**Discuss request from White Mountain Cable for road cuts on: Johnson Drive, Dunham Pond Road, Betty's Neck Road and Nachaomet Road to install Verizon FiOS**

Chairman Maksy rejoined the Board and reviewed the request from White Mountain Cable for road cuts to install Verizon FiOS on Johnson Drive, Dunham Pond Road, Betty's Neck Road and Nachaomet Road. Selectman Belliveau recused himself.

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

VOTED: To approve the road cuts for Johnson Drive, Dunham Pond Road, Betty's Neck Road and Nachaomet Road, subject to the specifications in the letter from Christopher Peck, Superintendent of Streets dated April 25, 2012.  
Unanimous in favor.

**Meet with Fire Chief to discuss maintenance plan for Fire Equipment and Apparatus**

*Daniel Hopkins, Fire Chief was present for the discussion.* Chairman Maksy asked Chief Hopkins to speak about the maintenance plan for the fire equipment and apparatus. It is understood that the trucks are old. Chief Hopkins stated that the maintenance is going ok and there have not been any major breakdowns recently. The maintenance plan shows what will continue to be done to the trucks throughout the year. There may be a slightly different plan on testing the pumps, depending if the station can obtain some equipment to see if the pumpers are meeting the necessary specifications or not. That will be done in-house. Though the Department cannot certify them, this will give an indication if something is starting to go. If the pumps are within the limit from their previous certification, then it is good. If it is way below that amount, then it will be sent out to be fixed.

Ms. Garbitt stated that the Town did not receive any bids on the 1983 fire truck that has been declared surplus. Zion's has offered \$2,600. The minimum bid was \$2,000. Ms. Garbitt said the only possible use could be if the Superintendent of Streets wanted to put a sander on it to use in the winter for the roads. Selectman Powderly stated that he had asked Mr. Peck, but he was not interested in the truck.

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

VOTED: To allow the Fire Chief to sell the 1983 fire truck as salvage.  
Unanimous in favor.

Discussion then took place on pricing on a used fire truck versus a new fire truck and the pros and cons of buying either one. Chairman Maksy asked that the Fire Chief set up an Excel spreadsheet of what work takes place on each of the trucks and have it initialed when it gets done so that tracking can be done on what is spent and what is done on the trucks. Chief Hopkins said he does have a spreadsheet set up, but is unable to print it out. Selectman Powderly asked if the pump tests have to be done. Chief Hopkins responded that the Department is supposed to, however, keeping track of it in house will allow the Department to know if the pumpers are

within the appropriate range or not. This will be scheduled to be done three (3) different times during the year.

### **Discuss attendance at SRPEDD Annual Meeting-May 23, 2012**

Ms. Garbitt stated that Gaming Commissioner James F. McHugh will be speaking at the Annual SRPEDD Meeting on May 23, 2012 at Wheaton College. All three (3) Selectmen can attend. The cost is \$35 per person.

### **Discuss appointment of Adam Bond as Ex Officio Member to Casino Advisory Committee**

*Adam Bond was present for the discussion.* Ms. Garbitt stated that the Board wanted to discuss Adam Bond becoming an Ex Officio Member to the Casino Advisory Committee. How this would be done is for the entire Committee to be classified as Special Municipal Employees. The Board of Health and the Board of Selectmen are already designated as Special Municipal Employees. Ms. Garbitt said a list of the people that would like to participate needs to be supplied to send to the Ethics Commission so that they are aware of who is participating. A disclosure form would also have to be filed with the Town Clerk and what the potential conflict would be.

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

VOTED: To designate the Casino Advisory Committee as a Special Municipal Employee.  
Unanimous in favor.

A polled vote was then taken; Selectman Maksy – aye, Selectman – Belliveau – aye and Selectman Powderly - aye.

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

VOTED: To appoint Adam Bond as an ex-officio member to the Casino Advisory Committee.  
Unanimous in favor.

Carl Peirce of Hill Street asked what the purpose was of having a Middleborough resident on the Committee. Chairman Maksy stated that the Town only has a six (6) week time frame in order to research a significant amount of information. Since Mr. Bond was involved in this before, he is willing to offer his support and the Committee can take it or not take it. Selectman Belliveau stated that he was not sure if he was comfortable with having Mr. Bond as part of the Committee since he is not a resident of the Town. The Town is looking at an impact no matter what since there will be a casino somewhere around the immediate area. Selectman Belliveau stated that the Casino Advisory Committee can make a decision on May 8, 2012 when they meet.

### **Discuss Representative to Regional Collective Bargaining Subcommittee**

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

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

### **Review and vote on Special Town Meeting Articles and Warrant-June 4, 2012**

*The Finance Committee entered the meeting at 7:51 PM. Members present included: Donna Winters, Melissa Hopkins, Ted Bunn, Norman Orrall and Michael Petruzzo.* Ms. Garbitt stated that the Board can waive the reading of the articles and then make the motion to place them on the warrant. She distributed the transfer article. Minor discussion and information took place on the Special Town Meeting Warrant articles.

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

VOTED: To place Articles 1 through 5 on the Special Town Meeting Warrant for June 4, 2012.  
Unanimous in favor.

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

VOTED: To waive the reading of the Special Town Meeting Warrant Articles.  
Unanimous in favor.

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

VOTED: To sign the Special Town Meeting Warrant for June 4, 2012.  
Unanimous in favor.

### **Review and vote on Annual Town Meeting Articles and Warrant-June 4, 2012**

Ms. Garbitt reviewed the Annual Town Meeting Articles with the Board. Article 9 sets money aside for the sick day buyback for when employees retire. This year several employees will retire, so the amount is \$40,000. An actuarial needs to be done so that there is an awareness of how much is needed, however, it does not have to be funded at this time. Article 10 is continuing disclosure for all bonded debt. Article 11 is GASBE 45. The Town has set up the trust fund and has put \$5,000 towards it. It is hoped to put \$55,000 into this fund this year. Article 12 is from the Assessors regarding the revaluation with Vision Appraisal. Article 13 is typically voted when quarterly tax billing is done. This is to capture the tax revenue of a new home, which may be approximately 50% constructed. Article 14 is regarding the Capital Plan and the amounts of Capital Items. Mr. Petruzzo as Finance Committee Chairman can make the motion and explain the Capital Plan. Selectman Belliveau explained that the charge for the Capital Plan was to have at least a 10% reduction in the overall debt.

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

VOTED: To approve the Capital Plan as presented by the Capital Planning Committee in the amount of \$294,000.  
Unanimous in favor.

Chairman Petruzzo said that the Finance Committee is not prepared to vote on the Capital Plan tonight. Discussion took place about putting the amounts on a handout since people might start picking and choosing what they want or do not want to approve.

Ms. Garbitt discussed Article 20, which is for the State Revolving Fund (SRF) Project List for the sewer project. CDM did not submit the Town's application for the current year. They have not charged the Town anything when they did submit it, but it will cost about \$6,000 to update the information for the Town to get back on the SRF list. Patricia Welch stated that she has worked on the project for numerous years. It took the Committee about 10 years to get the income surveys done for Clark Shores, and that information has been shared with the Town. The USDA agreed to use that information for the Town's project if it came up, and it would help the Town get funding as part of a grant. This would help keep the pollution from septic systems out of the pond.

Ms. Garbitt stated that about four (4) months ago she received a letter from Patrick Rogers from DEP. The letter stated that the Town has to update its water and wastewater reports. They will use CDM's report and update it with inflation and use it. Chairman Maksy stated that the Board needs to know what it will cost the Town to do this each year thereafter. It would be for all of the shorefront communities, and they would be assessed betterments. The loans would be about 30-40 years. If this went forward and was approved, then people would be forced to pay for their betterment. However, it will increase the value of the property, and the roads would get paved. It would also stop the pollution to the pond.

Chairman Maksy stated that since there are some questions on this article, he would like to hold off and find out if this will ever be worthwhile for the Town. If there is a glimmer of hope, then the Town should possibly consider it. The water quality is something to consider. This article was put on hold until there are more answers on it.

Ms. Garbitt said Articles 21 and 22 are in regards to the Clark Shores Water Corporation. They are requesting a 4,000 square foot parcel of land that the Town owns in order to gain access to the land they have under agreement for wells. Four (4) or five (5) wells will be installed on the property and paid for through a 25% grant and a 75% loan with the USDA. They wanted to purchase the land, but the Town has foreclosed on it since it is in tax title. Town Counsel was asked to prepare an easement, and Town Counsel asked about the Town donating the parcel instead. The first article is to sell the parcel to the Clark Shores Water Corporation. Selectman Powderly stated that he did not have a problem with it, but this has to be sold to the Town Meeting voters. This would be done to improve the water quality in Clark Shores. Also, he would prefer to have it go out to auction. The appraised value is \$7,000. Ms. Welch stated that

it was the Board's discretion to either sell it or gift it. Selectman Belliveau stated that he thought it may have to be auctioned. If it is gifted, it has to be under \$2,500.

Selectman Belliveau suggested tabling Article 21. Ms. Welch said since 1955, there has been a problem with the water, and Clark Shores has been urged to find a new water source. This was the best and closest option. Ms. Garbitt discussed Article 22. Should the easement pass to new ownership if the corporation sells the corporation? Chairman Maksy stated that it has to follow it. The words "IN GROSS" will be kept in the language.

Ms. Craig spoke on Article 23. She has received calls about defecation by horses and dogs. Many towns have this type of bylaw. Ms. Grubb stated that defecating animals is a problem in parks, when there are children running around. Ms. Garbitt stated that other towns have been researched for the livestock control bylaw. Lakeville does have a problem with roaming livestock. The Selectmen decided to allow the Planning Board to handle this article.

Ms. Garbitt stated that Jim Marot had a concern with Article 24. There is a need to have a place for the hydro seeders to go to fill up their tanks with water. Selectman Belliveau stated that the article does not say on own property or not. It says, "should be prohibited to extract or withdraw water for commercial purposes from any lakes". Ms. Grubb stated that it should say they cannot put it into a tanked vehicle. Ms. Garbitt stated that the article only refers to commercial purposes. Ms. Winter stated that if it was to extract and transport water for commercial purposes, she could understand that. Ms. Garbitt found the original language and it did say tank vehicles, however this did not make it to the final language. After further discussion by the Board, it was decided to table this article since there were too many questions on the article.

Discussion then took place on Article 25. Chairman Maksy stated that this article needs more work done on it by the Planning Board. Ms. Garbitt stated that the Planning Board wanted this done for subdivisions with their retention ponds. Article 29 is about the final version of the flood plain maps. It was noted that Town Counsel suggested sending out a handout ahead of time to allow the residents to become familiar with the article. Chairman Maksy stated that people are only going to want to know if the map has changed, and if it got worse or better. Ms. Garbitt stated that the cost for Town Counsel to draw up the handout will be \$175 to \$350. Chairman Maksy suggested asking the Planning Board to decide if that would be necessary. Ms. Garbitt stated that the original letter from the federal government could be used. Chairman Maksy said if the Town does not pass this, then the residents cannot get flood insurance, since the Town does not have a designated flood district. It was decided by the Board that the Building Commissioner should attend the meeting and explain this article. Ms. Garbitt said Article 30 is about the expedited permitting for the Lakeville Hospital Property. This lets the rest of the State know that there is expedited permitting on this site. The Town has applied for the technical assistance through SRPEDD, since there is a process that has to take place within 130 days. Articles 32, 33 & 34 have to do with animal kennels. Ms. Garbitt said that there will be 32 articles on the warrant, since Articles 21 and 24 were removed.

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

VOTED: To accept the articles for the Annual Town Meeting Warrant, but to table Articles 21 and 24 and to let the Planning Board decide on Article 33 and to place 32 articles on the Annual Town Meeting Warrant for June 4, 2012.  
Unanimous in favor.

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

VOTED: To waive the reading of the articles on the Annual Town Meeting Warrant.  
Unanimous in favor.

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

VOTED: To sign the Annual Town Meeting warrant for June 3, 2012.  
Unanimous in favor.

### **Review FY13 Budget**

Ms. Garbitt handed out a draft copy of the budget and commented on the changes. There is a change with Free Cash. It is \$133,000. The 40S money did not make it into the amendment for the House Budget. Ms. Garbitt has been told that it will not be in the Senate Budget, but will be on the Supplemental Budget. A new comparison shows that the budget went up \$779,000 from last year. Selectman Belliveau explained that it is mostly from the schools. The Town will receive a credit for transportation, and new assessment sheets will be prepared for the School Committee Wednesday night. It should go down about \$100,000.

Ms. Garbitt stated that there will be a need to have another budget meeting. The Selectmen's budget still needs to be reviewed. The budget is close to being balanced. Chairman Maksy asked Chairman Petruzzo to have a discussion on the Town Planner position.

### **New Business**

Ms. Garbitt stated that Christopher Peck has found out that the Department of Transportation has decided to permanently close the end of Route 79. Originally it was to be closed for a week, now it will be permanently closed as of May 2<sup>nd</sup>. They finished the basecoat on the new section of Route 79, and will complete the work on the road at night.

### **Old Business**

Ms. Garbitt stated that the Town Accountant has notified her that the new fee for the spay/neuter for dogs from the Animal Shelter cannot go into the gifts and grants account. The Board needs to vote that the \$70 is a donation.

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

VOTED: To increase the cost of adoption for a dog to \$100, with \$70 going into the Donation Account for Vet Care and \$30 going into the General Fund.  
Unanimous in favor.

Chairman Maksy read the updated charge for the Casino Advisory Committee.

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

VOTED: To approve the new Charge for the Casino Advisory Committee.  
Unanimous in favor.

At 10:20 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 Agreement with the Fire Union because an open meeting may have a detrimental effect on the negotiating position of the Board, and to discuss strategy in preparation for litigation because an open meeting may have a detrimental effect on the litigating position of the Board, and to discuss strategy in preparation for negotiations with non-union personnel.  
Polled vote: Selectman Maksy-Aye, Selectman Belliveau-Aye, and Selectman Powderly-Aye.