

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
May 21, 2012 - 7:00 PM

On May 21, 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 7:01 PM. Selectmen present were: Selectman Maksy and Selectman Powderly. Selectman Belliveau was absent. 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 Meet with Historical Commission to discuss Honorary Town Historian

Brian Reynolds, Nancy LaFave, Geri Taylor and Joan Gladu Morton were present for the discussion. Chairman Maksy read the letter from the Historical Commission requesting that Brian Reynolds be named the Honorary Lakeville Town Historian. Ms. LaFave noted that Mr. Reynolds was not aware that the Historical Commission was recommending this.

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

VOTED: To designate Brian Reynolds as the Town of Lakeville's Honorary Town Historian.
Unanimous in favor.

7:10 PM Meet with Lakeville Garden Club to discuss proclamation of National Garden Week June 3-June 9, 2012

Nancy LaFave and Geri Taylor were present for the discussion. Ms. LaFave spoke about some of the activities associated with National Garden Week. Selectman Powderly read the proclamation into the record for National Garden Week.

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 request of the Lakeville Garden Club to proclaim the week of June 3-9, 2012 as National Garden Week.
Unanimous in favor.

7:15 PM Meet with Phil Benjamin to review Forest Management Plan for Betty's Neck

Phillip Benjamin was present for the discussion. Ms. Garbitt explained that Mr. Benjamin has completed the Forest Management Plan for Betty's Neck. The Plan requires signature by the Town. The total invoice for the plan was \$4,780. The State grant will cover \$3,799.24, so there is a balance of \$980.76. This money can be taken out of the Betty's Neck Gift and Grant Account, with the approval from the Board. There is approximately \$18,000 left in the Gifts and Grants account for Betty's Neck.

Mr. Benjamin stated that the first step was to have the plan approved, and then decide if and when to do some work out there. Areas have been prioritized with completion dates in the plan. Chairman Maksy added that Ms. Yeatts will be attending the Selectmen's Meeting on June 11th and can be asked about the future plans for the property.

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

VOTED: To pay the balance of \$980.76 for the Forest Management Plan from the Betty's Neck Gift and Grant account.
Unanimous in favor.

7:30 PM Warrant Review-Special and Annual Town Meetings-June 4, 2012

The Finance Committee entered the meeting at 7:30 PM. Members present included Norman Orrall, Ted Bunn, Melissa Hopkins, Donna Winters and Michael Petruzzo. Town Moderator Aaron Burke was also present. Ms. Garbitt stated that the Finance Committee voted their recommendations at a separate meeting, but they did not vote on Article 1 and some other articles.

Ms. Garbitt spoke on Article 1 of the Special Town Meeting Warrant. It was noted that with the transfers, Chairman Maksy recommended to add money to the GASB 45 warrant article. The first actuarial that has been done said that \$17 million was needed to fund the account. However, the amount has dropped since the second actuarial, yet it is still a large amount. Chairman Petruzzo asked what other alternatives there were. Ms. Garbitt said that the amount of Free Cash could be reduced and used for the 2013 budget.

Upon a motion made by Mr. Bunn; seconded by Mr. Orrall it was:

VOTED: To approve to fund the GASB 45 warrant article in the amount of \$40,850.
Unanimous in favor.

Ms. Garbitt reviewed Article 2. This article changes the General Bylaw regarding the Town not having to post the entire Warrant in the Gazette, which typically costs approximately \$5,000. It will still be posted at the usual posting places and available on the Town's website. Most Towns do post their warrant on their websites and mail copies to those who need them and do not have a computer. The Finance Committee has voted to recommend this article since it is a good way to save money.

Ms. Garbitt reviewed Article 3, which is also changing a General Bylaw. The Town has to publish the Town Report. The current by-law that states that the Town Report will be available ten (10) days prior to the Annual Town Meeting causes a bit of a problem, so that constraint will be removed. This was a self-imposed time frame. The Finance Committee has recommended approval on this article.

Ms. Garbitt reviewed Article 4. The article has to do with installing telecommunication antennas on the new water tower in the Industrial Park. The Finance Committee did vote to recommend the article. May 17th was the bid opening for the Request for Proposals and there were no bids. The Selectmen will be asked later this evening what they would like to do.

Ms. Garbitt reviewed Article 5. This ten (10) acre parcel has already been approved at a previous Town Meeting. It will be tabled indefinitely.

The Annual Town Meeting Warrant was then reviewed. Ms. Garbitt stated that the three (3) articles that the Finance Committee has not voted on yet are 1, 2 and 7. When the Finance Committee was presented with the 2% raise for all Town employees, including the Police and Fire Departments, the Finance Committee voted not to recommend the 2% raise, but to put the money into the Stabilization Fund. Mr. Bunn stated that it is hard to come up with a reason to justify the raises, based on the numbers in the budget. The 1% raise is approximately \$35,000 for all employees. Mr. Orrall further said this is a compromise budget, with the employees receiving a raise of 1% and money being provided to the schools, but not ignoring the need for capital improvements. In tough times, capital improvements have been put off. Ms. Garbitt explained that the Town's Budget dropped by \$5.6 million because the Local School Budget is no longer included in the Town's Budget. There will still be an assessment. Ms. Winters noted that some of the hours are being restored to various Town employees.

Chairman Maksy stated that the Town Employees have taken it on the chin for as long as he has been here. In some cases they did get raises, but otherwise it fell on their backs. 1% is something, and it is good that at least that is being done. Selectman Powderly agreed with Chairman Maksy. There is no significant money coming in. Chairman Maksy suggested that after Town Meeting, the Board meet with the Finance Committee and the Wage and Personnel Board to look at this. Ms. Craig asked if the 1% applied to union and non-union employees. Chairman Maksy explained that the Police Department has already negotiated their contract. The Fire Union is in negotiations and there is the potential for unions that have to be treated like a union. No action will be taken on this until Selectman Belliveau has been consulted.

Ms. Garbitt stated that she will add an additional column to each budget to show what the Finance Committee recommends. Where it presently shows 2% will be changed to 1% and then the money will go into the Capital Improvement/Debt Service Stabilization Fund.

Upon a motion made by Mr. Orrall, seconded by Mr. Bunn it was:

VOTED: To recommend 1% raises for Article 1.
Unanimous in favor.

Ms. Garbitt reviewed Article 2. The Landfill Enterprise Account amount has been changed. Their budget has been brought down from \$390,000 to \$330,000. The Water Enterprise Account is being worked on, but further discussion needs to take place regarding this. The Selectman had Ms. Garbitt increase the part time person in the Selectmen's Office, and the budget does reflect restored hours for four (4) Town employees. The Conservation Commission kept in the increased hours for the Conservation Agent. The Cable Advisory Committee changed their legal

budget from \$5,000 to \$2,000, and the Secretarial Pool has been increased. Ms. Garbitt reviewed the Library budget, which needs to be \$276,000 so that they do not have to apply for a waiver. The raises for the Library Clerks are not in this budget, but they are in the Wage and Personnel budget as they are potential union employees. The waiver will have to be applied for in October. Ms. Garbitt stated that the Park Commission realized more in their Retained Earnings and will fix the Jon Paun Park fence, so adjustments have been made there with their budget.

Upon a motion made by Mr. Orrall; seconded by Mr. Bunn it was:

VOTED: To recommend approval of Article 2, amended with the 1% increase.
Unanimous in favor.

Ms. Garbitt stated that the Finance Committee has recommended approval on Article 3. The Finance Committee recommends approval of Article 4. The Finance Committee recommends approval of Article 5 relating to the Old Colony budget. Ms. Garbitt explained that Article 6 is regarding the change in the Regional Agreement from three (3) days and 30 days to instead be seven (7) days and 60 days. Ms. Garbitt stated that the Selectmen voted to spend \$125,000 over Net School Spending for Article 7.

Upon a motion made by Mr. Bunn; seconded by Mr. Orrall it was:

VOTED: To pay \$125,000 over Net School Spending.
Unanimous in favor.

Ms. Garbitt stated that the Finance Committee voted to recommend Article 8. The Finance Committee also recommended approval of Article 9, which helps build up the unfunded liability for Sick Leave Buyout, and covers two (2) Police Officers and two (2) non-union employees. Ms. Garbitt explained that with Article 10, originally \$55,000 was to be put in there since it was expected that the Town would receive the 40S money. However, this has been reduced from \$55,000 to \$5,000. The Finance Committee has voted to recommend approval of the reduced amount. Ms. Garbitt explained that Article 11 pertains to the Board of Assessors. This Warrant Article is for the recertification valuation. Money is put aside every year for this. The Finance Committee has recommended approval of this article. In Article 12, the Assessors would like the Town to accept the Assessment of New Construction. It will accelerate their ability to collect revenue. It allows the Town to pick up 18 months of growth, rather than 12 months of growth. It will also enable home owners to address concerns about a value of a house that was diminished by a fire or flood. The Finance Committee has recommended their approval of this article. Article 13 is the Capital Expenditure article. The Capital Plan will be provided as a handout at Town Meeting. The Finance Committee has recommended approval of this article. Article 14 is regarding Chapter 90 funds. Article 15 will probably be tabled indefinitely. With Article 16, the Finance Committee voted to put \$36,000 into the Debt Service/Capital Projects Stabilization Fund. The Finance Committee voted to approve Article 17 for the transfer of funds to the Reserve Fund. The Finance Committee voted to approve Article 18, but to date there has been no payoffs of septic repair loans, so it may be tabled. Article 19 is regarding granting an easement to the Clark Shores Water Corporation for the Nook Street property. The Finance Committee has voted to approve this article.

Ms. Garbitt said that the Planning Board held a public hearing regarding Article 20 and voted to recommend approval at Town Meeting. The Finance Committee voted to approve this article. Ms. Garbitt explained that Article 21 is to remove the language “septic and drainage” from the current bylaw. Articles 22, 23, and 24 all have to do with Zoning Bylaw changes, in order to allow the Special Permit process for renovations, alterations and demolitions easier when going through the process. Robert Iafrate, Building Commissioner, stated that this also cleans up the language since it could be interpreted in a few different ways. This allows for it to be interpreted only one (1) way. With Article 25, a section was left out. Town Counsel has presented wording to fix this and the Finance Committee has recommended approval. Article 26 pertains to 43B Expedited Permitting for the Lakeville Hospital property. The Planning Board held a hearing and recommended approval for this article. This is a marketing tool and will let the rest of the State know that the hospital property has expedited permitting. The Finance Committee has recommended approval of this article. Ms. Garbitt stated that Article 27 is a Zoning Bylaw, but there is no specific property that it pertains to. The Planning Board held a hearing and voted to recommend approval of the article. The Finance Committee also recommends approval of the article.

Ms. Garbitt stated that Articles 28, 29, and 30 all have to do with Kennel Licenses. Mr. Iafrate explained that there are 35-45 dog owners in town that have four (4) or more dogs and they would fall under the requirements for a Kennel License. It is recommended to pull these articles and work to revise them. The intent was to solve some problems that have been taking place in town. However, since there are people with four (4) or more dogs already as pets, it may cause a problem in the beginning. Chairman Maksy stated that he would not mind tabling these articles. The Finance Committee then exited the meeting at 8:36 PM.

Discuss request from Superintendent of Streets to send letter to CSX regarding condition of railroad crossings at North Precinct Street and Leonard Street

Ms. Garbitt stated that Christopher Peck, Superintendent of Streets, asked if the Selectmen will send a letter to CSX to see if they can elicit a response regarding the condition of railroad crossings at North Precinct and Leonard Street.

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

VOTED: To have Ms. Garbitt write a letter on behalf of the Board regarding the condition of the railroad crossing at Leonard and North Precinct Streets.
Unanimous in favor.

Discuss request to connect to Taunton Water from John and Lisa Kyranos-new lot adjacent to 49 Myricks Street

Ms. Garbitt explained that they are building a residential single family home with an attached in-law apartment. They are asking to connect to Taunton water, but the Selectmen need to approve this.

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 Kyranos' request to tie into the Taunton water supply with a maximum 550 gallons per day with a 2" pipe.
Unanimous in favor.

Announce commendation for Reserve Police Officer Daniel Vareika

Chairman Maksy then read the letters of commendation into the record regarding Officer Daniel Vareika. Chairman Maksy asked that Ms. Garbitt send Officer Vareika a letter on behalf of the Board, acknowledging that they are proud of his behavior both on and off duty.

Discuss letter from Lottery Commission regarding KENO Monitor-Starr's Country Market-78 Main Street

Ms. Craig explained that if the Selectmen have no objections, no action is needed. There were no objections from the Board members. A resident asked if customers would be just standing around waiting for their numbers. She did not think that it is a positive thing to have in Town. Selectman Powderly explained that usually the machines are in restaurants, bars and on several screens for people to constantly look at their numbers. Chairman Maksy stated that to date there have not been any complaints that he has heard, and the Town has not received any complaints from establishments that do have the displays.

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

VOTED: That the Board of Selectmen has no objection to the application from Starr's Market for KENO.
Unanimous in favor.

Review Revised Charge as recommended by the Lakeville Casino Advisory Committee

Chairman Maksy stated that he felt that the charge might be too broad for the Casino Advisory Committee (CAC). Selectman Powderly stated that to gather all this information by June 2, 2012 is too much, but if the Casino falls in Taunton, Fall River or any other location, the charge may still be viable. Ms. Garbitt stated that the CAC did vote to change number one to "Identify all of the relative impacts, benefits and mitigation that a destination resort casino, whether Tribal or Commercial, in the Region would have on the entire region". Chairman Maksy explained that people have been sending in questions to the Town Administrator and these questions will be posed tomorrow night to Tribal Chairwoman Cheryl Maltais. The meeting is not the Selectmen's, so we do not know what the process will be. Ms. Garbitt stated that Selectman Belliveau and she thought that they would be providing information for Freetown and Lakeville, and they would allow for questions. Ms. Grubb stated that the CAC should not make a recommendation on the casino. If there was to be a recommendation, it should come

from the Selectmen. The Committee does not have the information to make a decision. The Committee is charged to look at the impacts. Mr. Zienkiewicz felt that the anti-casino residents will have time to speak and ask questions.

Discuss request from Chawner Hurd to be appointed to Lakeville Casino Advisory Committee

Ms. Garbitt stated that a letter of interest has been received from Chawner Hurd to be appointed to the CAC. Currently, there are six (6) at large members. Selectman Powderly stated that he is not for adding any additional members to the Committee since it is a 15 member committee at present. He would not recommend making the Committee any larger than it is.

Discuss Wampanoag Tribe of Gay Head (Aquinnah) Casino Website Link on Town's Website

Chairman Maksy stated that until the Town receives an opinion from Town Counsel, the link should come off the Town's website. He stated that he personally felt that it should be left off no matter what Town Counsel says. Selectman Powderly stated that he had no problem either way. Ms. Garbitt explained that residents were concerned about getting information on the casino. It was thought that a link on the Town's website would be the easiest way to reach residents with information. However, the argument is that it appears to be pro casino. The Town does not want to give the appearance that they are for the casino. This can be discussed further tomorrow night at the Casino meeting. Linda Farley of 19 Anaconda Drive asked about the wording on the ballot, can it still be changed? Ms. Garbitt stated that the ballots have all been printed. Ms. Garbitt read the language on the ballot. Chairman Maksy stated that possibly the Town could have been more specific since it is a tribal gaming license. Minor further discussion took place on the matter.

Discuss attending Leadership Conference for Selectmen-June 9, 2012-Pleasant Valley Country Club

Chairman Maksy and Selectman Powderly will not be able to attend. Ms. Garbitt will find out if Selectman Belliveau is interested in attending.

Discuss request for Constable reappointment-Danielle Elliot

Chairman Maksy read the letter from Danielle Elliot requesting reappointment as a Constable. It was noted that there have not been any issues with Constable Danielle Elliot.

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 appointment of Danielle Elliot as Constable with the new term to expire May 15, 2013.
Unanimous in favor.

Discuss request from The Tuesday Club of Assonet to place sign for Annual Strawberry Festival

Chairman Maksy read the letter from The Tuesday Club of Assonet to place a sign advertising the Annual Strawberry Festival on Town property. The Tuesday Club usually places a sign up at Sedells' and Rousseau's property.

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 placement of a sign at the intersection of Precinct/Pickens Street for The Tuesday Club of Assonet regarding their Annual Strawberry Festival which will be held on June 17, 2012.
Unanimous in favor.

Discuss changing policy for Town Owner Property Use

Chairman Maksy asked to hold discussion on this topic until Selectman Belliveau is present.

Discuss request to use Town House-Lakeville Family Worship Center-June 16, 2012 for fundraiser yard sale

Chairman Maksy read the request to use the Town House by Lakeville Family Worship Center on June 16, 2012 for a fundraising yard sale.

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 request from the Lakeville Family Worship Center to use the Town House on June 16, 2012 for a fundraiser yard sale.
Unanimous in favor.

Discuss request to use Town Office Building-Mullein Hill Christian Academy-June 2, 2012 for fundraiser yard sale

Chairman Maksy read the request from Mullein Hill Christian Academy to use the Town Office Building for a fundraiser yard sale. Selectman Powderly asked if the request was meant for the pavement, they would need to be aware of the fact that the Fire Department may receive calls, and they will need to watch out for any activity. Ms. Garbitt will contact Mullein Hill regarding a change in venue.

New Business

Ms. Grubb stated that the question was raised at the Commuter Rail Task Force if funds from the proposed Casino could be used to finance the commuter rail expansion. Several members objected, and the matter was tabled until the next meeting. Ms. Grubb stated that she was

uncomfortable with the Commuter Rail Task Force discussing that. The Task Force's purpose is to help communities deal with the rail lines if they come in, not to advocate for the rail lines. Chairman Maksy stated that he felt that it would be appropriate to ask the Tribe if the rail would help their business. It might be a whole separate agreement that they might want to make.

Old Business

Ms. Garbitt stated that she would like to contact Raynham and Norton to see how they put out their bids for telecommunication antennas on their water towers.

Ms. Garbitt stated that the bid opening took place for the vinyl siding on the Commissary Building at Ted Williams Camp. The Building Commissioner and the Park Department Chairman reviewed the bids and recommend Casieri Construction to be awarded the bid.

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 and award the bid for the vinyl siding on the Commissary Building at Ted Williams Camp to Casieri Construction.
Unanimous in favor.

Other Items

1. Letter from Steven Monty
2. Announce Memorial Day Observance and Flag Retirement Ceremony
Chairman Maksy read the announcement into the record. The ceremony will begin at 10:00 AM.
3. Update from Lakeville Community Access Media on Studio Expenses
4. Invitation to attend Old Colony Regional Vocational Technical High School Graduation
5. Letter from Verizon in response to Selectmen's Letter regarding status of installation of Verizon FiOS to Lakeville residents
6. Meeting Notice-Middleboro Gas & Electric Commission-May 16, 2012 – 7:30 PM
7. Notice of Rescheduled Plymouth County Advisory Board Meeting-May 31, 2012
8. SRPEDD News Release regarding Annual Meeting – May 23, 2012
Ms. Garbitt noted that the entire Board does want to attend the Annual SRPEDD Meeting on May 23, 2012 and it starts at 6:00 PM.
9. Regional Economic Strategy Committee meeting notice-May 15, 2012
10. Joint Transportation Planning Group meeting notice-May 16, 2012
11. Notice from Verizon – Increase in Rates
12. Notice from Comcast – Increase in Rates and Programming Changes
13. Dock Renewal Application – 38 Shore Avenue
14. Wright-Pierce Insights Newsletter
15. Copy of Standard Times Article, on former Lakeville resident, Milly England
16. Email from HOME Consortium regarding Mutual Cooperative Agreement

It was noted that since Selectman Belliveau is the person handling the Fire Union negotiations, the Board will instead go into Executive Session tomorrow night to discuss the reasons relative to entering those discussions.

At 9:26 PM, upon a motion made by Selectman Powderly; with Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To adjourn the meeting of the Board of Selectmen.
Unanimous in favor.