

**SELECTMEN'S MEETING**  
**Monday, June 10, 2009**

On June 10, 2009, 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 7:08 PM. Selectmen present were: Selectman Maksy and Selectman Yeatts. Selectman Evirs entered the meeting at 7:27 PM. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

The Finance Committee called their meeting to order at 7:08 PM. Members present included: Gary Mansfield, Steve Olivier, Melissa Hopkins and Michael Petruzzo. Also present was Cynthia McRae, Town Accountant.

**7:00 PM – Review FY10 Budget**

Ms. Garbitt said she and Ms. McRae are working on the FY09 Snow and Ice Deficit. The Park Department has said they will give an additional \$10,000 back from their budget for a total of \$15,000. We are recommending that the Park Department be given \$25,000 in their FY10 budget, which is still a 40% cut for them. They will not receive any additional funds from either override if they pass. Clear Pond will be opened five (5) days a week. Chairman Maksy said Selectman Evirs made the original motion to close Clear Pond. Before we decide on whether to open it or not, we need to wait until Selectman Evirs returns from the Joint School Committee meeting. The Finance Committee agreed.

Ms. Garbitt said she and Ms. McRae had worked on Article 1 for the Special Town Meeting transfers and this should be the final draft. We were told there was a surplus in Out-of-District (OOD) tuition of \$34,000, but after checking with Anne St. Pierre, she said it was \$21,000. The last time we got the monthly report was in December. I mentioned to her that we really should be getting the reports monthly. After I made these changes, Ms. St. Pierre called back and it was really \$29,000 for the OOD. She had previously given me Freetown's number. It was agreed that a letter be sent to Anne St. Pierre requesting that monthly reports regarding OOD be sent to the Town Administrator on a monthly basis. Mr. Mansfield requested that a copy be sent to the Local School Committee as well.

Ms. Garbitt said the Police Chief needs to cover a gasoline deficit, which is not as bad as in other years. He will be giving \$5,000 back to help with the Snow and Ice Deficit. The premium was lower for Property and Liability insurance, but she had to increase the deductibles to get the savings.

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

VOTED: To accept the transfers for Article One.  
Unanimous in favor.

Ms. Garbitt said Article 2 will be tabled indefinitely. The Town will raise enough in revenue to cover the 9C cuts.

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

VOTED: To recommend tabling Article 2 on the Special Town Meeting warrant.  
Unanimous in favor.

Ms. Garbitt said Article 3 is regarding additional funds that were received from the MBTA litigation in the amount of \$34,342.43. This money will go into the Water Stabilization Account.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To accept Article 3 with the additional money.  
Unanimous vote.

Selectman Yeatts said when Article 4 was written, we did not have a number but now have estimated \$100,000. We used \$35,000 for the water plan and \$65,000 for the engineering for design. We have now received the information from Camp, Dresser & McKee and the total is \$210,000. The State Revolving Fund Loan does not pay for design costs. Selectman Yeatts said she is not comfortable just putting \$210,000 in the Water Stabilization Fund. She \$250,000 should be placed in the Water Stabilization Fund. That additional money is on the Annual Town Meeting Warrant under Article 2. This article will still be asking for the \$100,000. Ms. Garbitt said Article 2 will be increased to take \$150,000 from the Water Stabilization Fund, and this \$100,000 will go into the Board of Selectmen's contracted services. Ms. Garbitt distributed a cost analysis of the water tank, booster station and water main design to show the breakdown of costs.

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

VOTED: To take \$100,000 from the Water Stabilization Fund for the water improvement projects.  
Unanimous in favor.

Selectman Evirs entered the meeting at 7:27 PM. Ms. Garbitt told him that the recommendation on the table is to reduce the Regional School Transportation line item and fund the Park Department \$25,000 in FY10. The Park Department gave back \$15,000 towards the deficits for FY09. However, they will not receive additional money if either of the overrides pass. Selectman Evirs said he still had the same argument. In the balanced budget we are making a lot of cuts and laying off people, but are giving the Park Commission \$25,000. They are an Enterprise Account and they should be reimbursing the Town for services that they utilize. Further discussion took place on this matter. Daniel Hopkins, Park Commission Chairman, discussed how the Park Department had lost previous rental income. The Park Commission feels they are just around the corner from making money. We just need a little help until we get things going again. The goal is for the Park Department to be self sufficient.

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

VOTED: To approve the recommendation to reduce the Regional School Transportation line item and fund the Park Commission \$25,000 in FY10. If either override passes, the Park Commission will receive no additional funding. Clear Pond will only be open five (5) days a week.  
Unanimous in favor.

Ms. Garbitt distributed the last assessment from the Region that was not yet voted on by them, dated June 9<sup>th</sup>. They are looking for \$356,000 from Lakeville for transportation. They did not have a certified budget on March 31<sup>st</sup> as required by law. \$806,340 was the Governor's Budget number and they used the final Senate number on May 24<sup>th</sup> of \$494,000, so we reduced transportation almost \$200,000. Mr. LaCamera of Powderhouse Road said the budget they voted on does not tie in with any of the State Aid numbers from the Governor, House or Senate. They do not have the right State Aid numbers here for the calculations. The Town is responsible to fund the minimum contribution, and we have to pay for the Debt. Mr. LaCamera said he had spoken to Jay Sullivan from the Department of Education regarding this. He also called Bridgewater-Raynham, since they have a similar problem where the lower numbers were voted and they have to come up with the difference. He said on last year's assessment sheet, if you look at the Local Receipts, you see \$120,000 for user fees, extra curriculum fees of \$20,000 and \$12,000 for parking fees. Then, the user fees were eliminated and ComRec was provided money. They are subsidizing ComRec once again in FY10. Ms. Garbitt said they used \$39,000 from the Excess & Deficiency (E&D) account for ComRec. Mr. LaCamera said it is disturbing that the interest income was \$27,439 in FY09 and for FY10 they have \$100,000. Where are they getting all this interest income from? The E&D account has a \$1, 517,000 balance. If you vote the lower assessment, it will either force the Regional School Committee to look at the budget and lower the assessments, trigger a Joint Town Meeting, or force Freetown to revote their numbers. Ms. Garbitt said the House and Senate have different numbers. She felt confident bringing those numbers up to the House Budget, so she is recommending lowering transportation by \$200,000.

Charlene Shea, Regional School Committee member, entered at 8:07 PM and said she had the certified number that the Regional School Committee had just voted on. Selectman Yeatts said \$156,420 is what we are giving the Region for transportation. \$356,419 is what they were asking for. If the Region had used the Governor's budget, it would have been \$190,000 less. Ms. Garbitt said after the last Town Meeting, the Region did receive additional transportation money and they reduced their assessment to the Towns. Chairman Maksy said in FY09 the transportation reimbursement was 83%. Next year, the reimbursement will be only 44%, so we have to come up with 56%. We want to take the conservative approach. Ms. Garbitt said last year they ended up getting more. If they had certified their budget on by March 31<sup>st</sup> they would have used the \$156,000 figure. Selectman Evirs said we could actually just give them that amount. We are giving them the benefit of the doubt since it was not certified. Ms. Shea said Lou Rodrigues called the Department of Education. They are estimating a reimbursement of 41-44% for FY10. If the reimbursement comes in higher, then that money will go back to the Towns. Selectman Yeatts said we are being a lot more generous to the Region than they have been to us. Ms. Shea asked what if the difference does not match. Ms. Garbitt said if the Region

agrees to accept a lower amount, then the Regional School Committee can vote to accept it. If they do not accept it, then Freetown can go back and vote on the reduced amount. If they do not, then it will go to a Joint Town Meeting. Ms. Garbitt said on Article 6, she usually prepares the motion for the Region, but if the amount is in the warrant article, we will be recommending a different amount. Selectman Yeatts stated that it will be changed to a total budget of \$6,596,763. The operating budget would also be reduced.

Selectman Evirs spoke to Ms. Shea and asked from last year to this year, you had \$20,000 for extra curricular fees but not this year. Ms. Shea said it was decided that the extra curricular fees did not really work out. We were charging people to be in National Honor Society, etc. However, user fees for sports have stayed in. Selectman Evirs asked Ms. Shea about the earned interest in FY09 being \$27,000, but this year you are showing it at \$100,000 for FY10. Ms. Shea said it is different accounts. Selectman Evirs asked for a break down on that. Ms. Shea said she would request it. Ms. McRae asked if the interest was understated for FY09. Ms. Shea said she did not know. Selectman Evirs asked for a breakdown for FY09 as well. Ms. Shea agreed. Ms. Garbitt said the Chapter 70 numbers do not agree with what the Senate has. Mr. Mansfield said we cannot make sense of these numbers with lines not being shown and then big numbers coming in. Possibly you can bring that back to your Committee about consistency in the reports being important. Ms. Garbitt spoke about the \$39,000 the School Committee voted to take from E&D to balance out ComRec. Ms. McRae said you cannot use the E&D account for balancing revolving funds or to balance out activities. It is reserved for the communities. You cannot use it arbitrarily throughout the year to draw from. It is supposed to be used to either reduce the operating budget or make up for it in fee structures in the following years. Mr. Mansfield said this was specifically addressed with Mr. Rodrigues. Ms. Shea exited the meeting at 8:30 PM.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins

VOTED: To recommend a budget of \$6,596,763 for the Region, with the Transportation Budget reduced to \$159,999.  
Unanimous in favor.

Ms. Garbitt said Article 8 was put on hold due to the percentage for circuit breaker. Anne St. Pierre called the Department of Education regarding this. She does not want to change the amount from 42%. So we are at \$776,293, which is under-funding it.

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

VOTED: To recommend the amount of \$776,293 for Article 8.  
Unanimous in favor.

Ms. Garbitt spoke about the Board receiving a recommendation from the Finance Committee on all articles. She found information that stated that all articles for Town Meeting will be brought to Finance Committee for consideration. Mr. Olivier said he looks at accepting a private road as a public way as a financial impact to the Town. Ms. Garbitt said zoning issues could also be considered as generating income.

Ms. Garbitt said that Article 26 is regarding Electronic Message Boards. The Planning Board voted to prohibit Electronic Message Boards.

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

VOTED: To recommend approval of Article 26 as written.  
Unanimous in favor.

Ms. Garbitt said that Article 27 is revising the Definition for Accessory Apartments

Upon a motion by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 27.  
Unanimous in favor.

Ms. Garbitt said that Article 28 revises the Table of Use in the Zoning By-laws.

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

VOTED: To approve Article 28 as written.  
Unanimous in favor.

Ms. Garbitt said Article 29 amends the Zoning By-Law regarding Accessory Apartments.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To approve Article 29 as written.  
Unanimous in favor.

Ms. Garbitt said Article 30 is regarding changes to the new Neighborhood Business Overlay District.

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

VOTED: To recommend Article 30 as written.  
Unanimous in favor.

Ms. Garbitt noted that Article 31 is to amend the Zoning Map to a Neighborhood Business zone along Main and Bedford Street.

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

VOTED: To approve Article 31 as written.  
Unanimous in favor.

Article 32 is to amend the Zoning By-laws regarding Age Qualified Housing for the Lakeville Hospital property to Limited Occupancy Housing.

Upon a motion made by Mr. Olivier; Seconded by Mr. Petruzzo it was:

VOTED: To recommend Article 32.  
Unanimous in favor.

Articles 33 & 34 are regarding the rezoning of properties on County Street. Article 33 rezones several properties on County Street. The Planning Board is recommending this article. Article 34 would only rezone the McCarroll and Doherty properties. The Planning Board is against this article.

Upon a motion made by Mr. Olivier; Seconded by Mr. Petruzzo it was:

VOTED: To recommend Article 33.  
Unanimous in favor.

Upon a motion made by Mr. Olivier, seconded by Mrs. Hopkins, it was:

VOTED: Not to recommend Article 34.  
Unanimous in favor.

Selectman Yeatts said that Anne St. Pierre had called Ms. Garbitt about the SPED budget. Ms. Garbitt said that she would like to receive monthly reports from Ms. St. Pierre. Selectman Evirs said the SPED money is being funded out of the Town Budget, so we should get monthly reports. Ms. Garbitt said she had been getting them monthly, but stopped receiving them. Ms. McRae said Lakeville is responsible for the accounting of those monies and we do not know what they are encumbering. Only Ms. St. Pierre knows that.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To send a letter to the SPED Department, copied to the Superintendent of Schools and to the School Committee that the Board of Selectmen would like to be provided with monthly SPED reports. The Board and Town Administrator will work with Ms. McRae on this letter regarding the information that is necessary for the Town to be provided with on a regular basis.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To send a letter to the Region about the rules on the E&D Account with the guidelines attached regarding its use, since it has been brought to the Board of Selectmen's attention that the guidelines may not be being followed accurately.  
Unanimous in favor.

Mr. Mansfield stated that the Finance Committee would like to be a co-signer on the letter.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: That the Finance Committee support and join the Board of Selectmen to send a letter to the School Committee and the Superintendent requesting the need for the same information regarding the SPED reports and the E&D account.  
Unanimous in favor.

Selectman Yeatts said she was concerned that someone will try to strip the money from the Water Stabilization Account, so she went over the Taunton IMA with a magnifying glass. She also spoke with the Taunton Water Superintendent about Article 17. State statute speaks about having user fees for water customers. As long as Taunton receives their fees, Lakeville is entitled to add a user fee on top of that. If Article 17 passes, we could add a penny per gallon on top of this as of July 1<sup>st</sup>. That will be a starting point. It will give us \$330,000. So maybe reduce it to just a ½ of a penny or so. That is based on last year's consumption and that is not even taking into consideration any new buildings with their consumption. According to Town Counsel, the Town cannot charge the user fee to gain revenue, but the Town can institute a fee to pay off the SRF. The water in the water tower would be allocated for future development. The water tower will hold five times the amount we will need. It will hold 500,000 gallons. Without the water tower we are limited. We have an IMA with Taunton for 150,000 gallons per day. Right now, we are only using 83,177 gallons. Due to the IMA, Taunton cannot use the remaining water that water is being held for Lakeville on any other customers.

Selectman Yeatts said under the Water Structure Stabilization Fund on the Special Town Meeting Warrant, we took out \$100,000 and the other \$150,000 is coming out of the Water Fund rather than the Town fund. The money would go back to these funds if either of the overrides pass. Ms. Garbitt said she is still short \$100,000 on the end page. We will have to go back to Town Meeting to increase the Reserve Fund, the Water Stabilization Fund and the SPED costs.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend Article 2 as read and as presented this evening.  
Unanimous in favor.

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

VOTED: To adjourn the Finance Committee meeting at 9:45 PM.  
Unanimous in favor.

### **Adjournment**

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To adjourn the Selectmen's meeting at 9:45 PM.  
Unanimous in favor.