

**TOWN OF LAKEVILLE
SELECTMEN MEETING MINUTES
Monday, June 28, 2010 – 7:00 PM**

On June 28, 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 Chair Yeatts at 7:02 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Safford Dog Hearing

Chair Yeatts read the letter of complaint from Jodi Andrews into the record.

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

VOTED: To open the Safford dog hearing.
Unanimous in favor.

David Frates, Animal Control Officer, Jennifer Safford, Matt Campbell, Samantha Lilly and Jodi Andrews were all present for the discussion and sworn in by Chair Yeatts. Chair Yeatts read that a complaint has been received for the three (3) times that the greyhound has bitten children. Ms. Lilly stated that one of the alleged attacks was supposed to be on her daughter and the dog did not attack her daughter. There is not one scratch on her daughter, and she tugs on the dog's ears all the time. Ms. Safford stated that she was not present for the attacks on Kameron Schifino. Ms. Lilly stated that she was not there May 8, 2010. Ms. Safford is watching the dog since Ms. Lilly's husband is away on duty and she works full time. The dog is listed on the rental lease in Fall River. Ms. Safford presently resides at Kensington Court with the dog.

Ms. Andrews said she received a call from Kameron's father stating that the dog bit Kameron. Kameron, who is two (2) years old, was transported to South Shore Hospital from Tobey Hospital to see an eye doctor. Ms. Andrews said she was staying with Ms. Safford, but thought the dog would be quarantined somewhere else, so she went back there since she had no place else to stay. On June 1, 2010, Kameron's father and Ms. Andrews were at Ms. Safford's apartment and went into the bathroom to have a discussion. Kameron was walking down the hall with his waffle, and the dog came out of a room and growled. She went to shut the door and then saw the dog around the baby on the floor. No one saw what happened the first time. The child did not provoke the dog. They called 911 and the Dog Officer came and took the dog. We went to Morton Hospital with Kameron, since he had a gash on his head.

Chair Yeatts asked after the first severe incident, what would make you be there again. Ms. Andrews said we had nowhere to go; we would have been sleeping in the car. Ms. Safford said Ms. Andrews was not living there. Ms. Safford said she was told by the Dog Officer to keep Kameron and the dog separated. Mr. Frates said that Jared Darling, Animal Inspector, decided where the dog was quarantined. He explained that the dog must be walked on a leash. Selectman Maksy asked if there were more than ten (10) days between the bites. Mr. Frates said yes. Chair Yeatts asked where Mr. Andrews was living now. Ms. Andrews said with her

parents. Mr. Frates said he spoke to the Office Manager at Kensington Court the next day. She said Ms. Safford was not supposed to have a dog that size there. Dogs are supposed to be 20 pounds or less. Now they will not allow dogs there. Chair Yeatts asked if the dog is at the shelter now; Mr. Frates said yes. Selectman Olivier asked what the Management Company is doing. Ms. Safford stated that she has been evicted and is moving out Friday. Ms. Lilly stated that the dog will go with her to Fall River since the dog is on the lease. She said they adopted the dog from the racetrack. Selectman Maksy said he was concerned about the dog leaving the shelter since there have been two (2) incidents.

Matthew Campbell, Ms. Safford's son, said he was there for both incidents. The first time Paul and he were in the living room watching TV. The dog was in his mom's room laying down on a mattress on the floor. Kameron followed the dog into the bedroom. He did not know what happened, but we heard a bark, then screaming and went into my mom's room. We could see blood coming down the right side of Kameron's eye. We put the dog in his cage and called Ms. Andrews. The second time, my sister who is 13, was playing with the dog and Kameron at the same time, and she told Kameron not to hit the dog in back. From what I heard, he kept doing it. Ms. Andrews then went and hit the dog in the ribs and head. Ms. Andrews said that Mr. Campbell and his younger sister did not see what happened. She would not let Kameron touch the dog after the first bite. Ms. Safford said Kameron has gone up to the dog after the time that the dog was quarantined was over, but someone was always in the room when it happened. Selectman Maksy asked why the dog was not kept separate from the child or any child. Ms. Safford said she would bring him out to eat and go outside on a leash. She was not present at the time. Selectman Maksy asked why the adults in this situation did not control the dog. Ms. Safford said she was gone for the day, so she does not know why. Selectman Maksy said the same thing happened the first and second time and you cannot blame the dog. The dog will pay the consequence for it, and you cannot blame the child, the child is not responsible. Ms. Lilly asked if there was another complaint in the file for May 6, 2010. Chair Yeatts said yes. On May 6th the dog attacked a younger baby and it left marks. Ms. Andrews said she was at the stove cooking and Mr. Campbell was on the couch. The baby was crawling near the dog. She looked over and the baby was crying and had a scratch. Ms. Lilly said there were no marks on her daughter when she went to go pick her up. She has never had a mark on her and the dog lived with us since September. She can tug on his ear, but he has never once attacked her. My best friend has a young son and the dog has not attacked him.

Chair Yeatts asked Ms. Andrews what would you like to see happen tonight? Ms. Andrews said she wants to see the dog put down. The dog is still going back to live with a young child. Chair Yeatts asked Mr. Frates his opinion. Mr. Frates said he was concerned about the dog being with small children. He does show his teeth at small children now; it could be from being in a kennel or from what happened. He recommended either sending the dog to a home with no children or a Greyhound Rescue. Ms. Lilly said some greyhounds do growl, but usually they are smiling when you can see their teeth. He is coming to our home for only a week. Ms. Safford is going to New Hampshire and will be taking the dog since we cannot take care of him because we both work full time jobs and opposite hours. He cannot be cooped up in a tiny apartment. He would have to be in a cage a great deal of the time.

7:30 PM Continuation of Bill Logan Earth Removal Hearing

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

VOTED: To re-open the Logan Earth Removal Hearing at 7:35 PM.
Unanimous in favor.

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

VOTED: To continue the hearing until the completion of the dog hearing.
Unanimous in favor.

Continuation of Safford dog hearing:

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

VOTED: To close the hearing at 7:36 PM.
Unanimous in favor.

Chair Yeatts said if we were to release the dog, we need to know where the dog is going and we need to notify the Town that the dog has bitten. Selectman Olivier suggested maybe releasing the dog directly to New Hampshire and not to Fall River. Selectman Maksy said or we put the dog down and not let it hurt another child. This is at least two (2) attacks, perhaps three (3). This was not a random act. We cannot put someone else in the State of New Hampshire at risk. This is just putting the problem on someone else. Selectman Olivier asked about it going back to the Rescue? Selectman Maksy said it will be hard to go to the Rescue when it has bitten twice. He would want them to know everything. Chair Yeatts asked Mr. Frates if we have ever adopted a dog out that has bitten before. Mr. Frates said we would not allow the dog to be adopted to a family with children if it has bit children. He has been fine with grownups. Selectman Maksy asked why didn't we have a hearing on the first bite. Mr. Frates said they quarantined him. A complaint was not filed. Selectman Olivier suggested contacting Greyhound Adoption up to a ten (10) day period, and if they will not take the dog, then put it down. Mr. Frates said he will contact them. Selectman Maksy said he would agree with that. Mr. Frates said some rescues will not take a dog if they have a history of biting. Selectman Maksy said then put the dog down, since he did not want to see the dog get a chance with another person. Ms. Garbitt noted there is a ten (10) day appeal period with the district court. Mr. Frates said we should have the Rescue sign a paper that they cannot come back to us if something happens again. Chair Yeatts said that her biggest issue was the liability.

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

VOTED: To give Mr. Frates fifteen (15) days to contact Greyhound Recue and if they will not take the dog with a sign-off on liability, then he has permission to put the dog down.
Unanimous in favor.

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

VOTED: To have Town Counsel draw up a Release of Liability for Rescues to sign off on when they take a dog that has a previous bite history and the dog is relocated to them.
Unanimous in favor.

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

VOTED: To re-open the Logan hearing at 7:47 PM.
Unanimous in favor.

Present for the discussion included: Marcus Baptiste, Christopher Peck, Superintendent of Streets, Adam Bond, Esquire, Nyles Zager from Outback Engineering and Doug Reynolds, property owner. Mr. Baptiste explained about the property line and the easement and what has taken place with the plans. He has met with Mr. Reynolds and will do a 30' and 50' buffer zone from the property line. Attorney Bond said that Mr. Baptiste and Mr. Reynolds discussed the proposed buffer zone and it is agreeable. Mr. Baptiste said the dust from the project was discussed, and there will be onsite water irrigation or water trucks. Mr. Peck said he was agreeable with the changes. His biggest concern is that the project be completed in a timely manner so that he can get Precinct Street paved in the fall. Mr. Baptiste said he will complete the project in September, but they will try to do it sooner. The house is sitting idle, and he wants to complete this project as soon as possible to get the house on the market.

Chair Yeatts said the permit will expire October 1, 2010. The access road should be kept dust free at all times. The Planning Board wants the street swept mechanically every Friday afternoon, unless it needs an additional sweeping as per the Superintendent of Streets. The Licensee will remove any and all spillage caused by the operation. The route of travel will be down Precinct Street and onto Route 18 to T.L. Edwards. Trucks should obey all posted speed limits. Mr. Baptiste said he believes the truck travel would be seven (7) trucks making seven (7) round trips per day. Mr. Baptiste said he will cut the trees back to increase the site line. Chair Yeatts asked him to notify the Acting Police Chief and if he feels something more needs to be done, then he will contact you. Mr. Baptiste said there will be a paved apron for 50 feet. Mr. Peck feels that would be sufficient. Chair Yeatts said we will request an insurance certificate for any problems to the road. Ms. Craig said we could collect the fees every other week. Ms. Craig said they will fax the trucking slips each week. The administration fee for 3.5 acres would be \$750 when he picks up the permit. Chair Yeatts asked about a bond for landscaping. Selectman Maksy said it would be \$5,000. Mr. Baptiste said he would like to grind the stumps on the site to use on the banks. There will be 4" of loam and seed on all other areas besides the stump grindings. Mr. Zager said the plan mentions a 4 to 1 ratio. Selectman Maksy requested that Mr. Baptiste and Mr. Reynolds initial the 50' right now on the plan since that just took place. Mr. Peck requested that silk sacks be placed on the double basins to keep silt out of the drainage system.

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

VOTED: To close the hearing.
Unanimous in favor.

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

VOTED: To approve the Earth Removal Permit for W.R. Logan for the property located off Precinct Street as stipulated.
Unanimous in favor.

Meet with Finance Committee to discuss FY 11 Raises

At 8:05 PM, the Finance Committee entered the room. The Finance Committee called their meeting to order at 8:10 PM. Members present included: Norman Orrall, Don Healy, Melissa Hopkins, Michael Petruzzo, and Ted Bunn.

Chair Yeatts said since July 1st is this week, she thought it pertinent to see what we are going to do about the raises. We are going to honor the Police and Fire contracts. We will owe interest on that money if it does not begin on July 1st. Selectman Maksy said they have enough in their budget right now for raises. Chair Yeatts said she does not like to have this hanging over her head and would like to move it along and make these decisions. We also need to make the decisions about the non union personnel. Some of the people who lost hours would rather have their hours back than a raise. Further discussion occurred. Selectman Maksy asked if the Board is taking too much of a step when it is not known what the Governor is doing. Chair Yeatts said we are looking at a few options. We put \$15,000 for the Fire contract and money in to fulfill the Police contract, which is 2% for FY10 and 3% for FY11. The non-union personnel number is in limbo. Selectman Maksy said he has no problem putting the \$15,598 back in the Fire Department budget, but the point is, can we afford it or do we have to look at different cuts in those Departments to afford it. Chair Yeatts said she spoke to Labor Counsel, who told her that we cannot say we are going to honor the contract and then have them fund it. Selectman Maksy said no. The Fire Department can fund the contract, but still has to find it in other areas. Selectman Olivier said so we cannot say you will not fund the budget if you do not want them to have the contract raise. Chair Yeatts said she thought we need to give them the money. Selectman Maksy said we have to honor the contract, but it does not say how many firefighters we have to have working. We can find the money in other places. Chair Yeatts said we would lose another firefighter. We do not know the repercussions of that action right now. Selectman Maksy said we do not have a lot of choice with the Fire Department, unless we want to get rid of the ambulance side.

Norman Orrall said he heard the Selectmen say the money is in the budget, but we were \$120,000 short on the SPED money, and we did not carry the fully needed number into FY11, so we are underfunding that. The Cherry Sheet came out \$8,600 less. We did increase the Estimated Receipts to cover the cost for one of the teachers, that all adds up to \$170,000 short for

FY11. Chair Yeatts said we do not know the SPED figure, and we could save that money with one (1) student coming into Assawompset. We do not know and it is a big maybe. Selectman Olivier said he met with the Superintendent and Ms. Garbitt last week. The Superintendent asked to increase three (3) part time employees for SPED, not for the behavior classroom. The health insurance would be about \$45,000. The SPED budget continues to go up every year. They do not have the capacity to keep the children in the classroom, since they are having more problems in the classroom, however, if they had a paraprofessional in the classroom, the paraprofessional might be able to alleviate that. So perhaps use that full time money for more part time help to help out the one-on-one situation. They want one-on-one for the full day. They prefer to hire more part time people so they would not have to pay the health insurance. We know that SPED is a moving target. It could come in worse too, not better. Mr. Orrall said the School Department was very concerned in putting that in their budget since they are looking at the higher number and are concerned about having to fund that. If they are concerned about it, then they are looking at that money coming in that high again. The flood expenses were absorbed for the time being from budgets within the Police and Fire, but we do not know what will come along from that. Ms. Garbitt said the Town was able to absorb, within the budgets, all the expenses that took place with the flooding. The Town is now in the process of submitting the paperwork to FEMA. Mr. Peck will give an update with the Highway Department. The 75% reimbursement from FEMA will come back this year, however, we have not been told we will be reimbursed on every last item, but we have preliminary approval on the rest of the items. Mr. Peck said he is hopeful that the Town will be reimbursed 75% or \$25,000 for the dumpsters for the flood debris. Ms. Garbitt said the Town was approved to deficit spend up to \$300,000, but did not have to. The total for the flood expenses was approximately \$100,000.

Selectman Maksy said so at the end of the year we will be \$25,000 short, money that we will have to account for. That is good news; he thought it was going to be a lot worse. Don Healy said he was confused about how the Memo of Understanding with the Firefighter's Union affects this. How are they due a raise when they held off a year. Chair Yeatts said Labor Counsel said that if we break the contract, they would pursue an unfair labor practice, which they would probably win. It was in the budget up until the last minute. Selectman Maksy said we are not talking about the contract. The Fire Chief has additional monies in his budget to cover raises in his budget without us giving him \$15,598. Chair Yeatts said we do not know where he would make the cut, and if it would be eliminating personnel. Selectman Maksy said this has nothing to do with the contract or the Memo of Understanding. We are talking about putting an additional \$15,598 in his budget. Chair Yeatts said we have to talk about it since we have a Memo of Agreement. We need to get it in writing from Labor Counsel that we could possibly be charged with an unfair labor practice. Further discussion took place on this matter. Mr. Healy said so we are funding the budget, but it is up to them to find the 3% in the budget. When he voted to approve a new ambulance, he did not anticipate them losing an ambulance driver to get a new ambulance. Chair Yeatts asked for a recommendation from the Finance Committee. Ms. Hopkins asked if the Fire Chief should be asked if he can find it first. Selectman Maksy said that would be the first step, and we do not have to do this right away since the Fire Chief can get through at least 11 months of his budget. He wants to be clear that we are looking at another \$170,000 of debt coming to us.

Mr. Bunn said with the unfunded GASB45 (post health insurance benefits), we have a tsunami building up that will come crashing down, so he would leave that there since he is concerned in the long run where the Town will get the money to pay for all the things that are coming. Selectman Olivier said it is easy to just fund the raises and not think about the long term liability of the Town and trying to sustain the Town. Our Stabilization Fund is also very small and depleted and our debt is enormous. Debra Kenney, Treasurer/Tax Collector said Town Meeting votes on the debt every single year. Residents vote to borrow and fund to buy. The Fire Department has the revenue to offset this, and the ambulance is a good revenue source. Chair Yeatts said if Sysco comes to Lakeville, we will all be fighting up here to say where the money is to go, and where it should be distributed. Laurie Catalano said she was just at Town Meeting where money was voted to go towards raises. Selectman Olivier said it was voted to put in the Wage and Personnel Account for future consideration to discuss about raises. Chair Yeatts said it was because we were not coming to an equitable decision on everyone's part. Selectman Maksy said it was put there to be accessed since we did not want to discuss this on Town Meeting floor. Ms. Garbitt said Town Meeting will vote a certain amount of that money into each Department at some point. Cynthia McRae, Town Accountant, said she believed we need Town Meeting authorization to move the money. Selectman Olivier asked do we have to go to Town Meeting to move it out of the Wage and Personnel budget to put it in other categories. Ms. Garbitt said yes.

Selectman Maksy said so we can hold off on the Police and Fire and go right to non-union. Selectman Olivier said for the non union, we have to determine what the percentage is tonight. It will be part of that same transfer at a Special Town Meeting. Mr. Orrall said he still had not heard much about the shortfall. He was sure people would love to get raises, but is the money there? He was not convinced that it is. Ms. Garbitt said some of the transfers are from warrant articles, but it is to put the money into the correct accounts. Whenever we work with Estimated Receipts, we are very conservative. Even with New Growth, we are very conservative. We did meet receipts for 2010 and should have some surplus. We go into the budget process conservatively, so she did not think they will have trouble with the \$40,000. Chair Yeatts said we always go under on Estimated Receipts in order to balance the budget. Ms. Garbitt said the Cherry Sheet numbers were sent out on Friday. It was \$8,000 less, but there is the money that was not spent on the stipends for the three (3) Boards, so we do not have to add that to the grand total. SPED is a moving target, students move in and out of town. We are not sure about the reimbursement of FEMA funds, it could go into Stabilization. Mr. Orrall asked so you believe there is enough "fluff" in the budget to cover raises. Chair Yeatts said it was to give incentives to the School Department, to keep children in district, not fluff. Mr. Orrall said it is not accounted for in the budget so there is potential to go up, stay the same, and go down. In years past we had money to transfer for our comfort level. However, there is snow and ice overages and other things to cover during the year. We usually have money to cover usual expenses from the year, but we are not talking about usual expenses. Chair Yeatts said we have always been able to deficit spend in the Legal and Snow and Ice budgets.

Selectman Olivier said the teachers are all set. For the school year, 2010-2011, they have step and level salary increases granted on September 1, 2010, and all salaries increase by 1% as shown in the attached schedule (if on step 12). That is for two (2) years until 2012. Selectman Maksy said so the teachers will get 1%. But there are other things that they give and take. We

have to be fair to everyone and it helps to know where they are at. Chair Yeatts asked about the 12th step. Selectman Olivier said all salaries at step 12 will increase by 1%. Selectman Maksy then clarified that they are entitled to go up with their steps and raises, and they do not get a raise unless they are at the 12th step. Charles Evirs asked wouldn't the steps be in the budget that was voted on at Town Meeting. The only impact is the 1%. Ms. Garbitt said right, all the steps and levels already included. Selectman Maksy said it is just the percentage for non-union that we are really talking about tonight. Mr. Healy said if non union gets 2%, how does this affect an increase in their longevity since the salary now increases. They are really getting more than 2%. Further discussion took place on the topic. Selectman Maksy said he would not want to stop the steps since there are other contracts out there. Ms. Catalano said are you considering restoring any hours. Selectman Maksy said the Board would be talking about that after, but he wants to complete this part first. Maria Martin said as a taxpayer, she did not think you should go with 1% for the Town employees. She thought you should go with 2%. Do not go by the teachers. We signed the contract for the children. These people work hard for the Town, and it should not be on their backs that they do this. She felt they should get 2% just like Fire and Police. Selectman Maksy said one is 3% and the other is 5% for the Fire and Police. We have to be fair to the taxpayers too. Ms. Martin said she was a tax payer too. More than once you have said you wanted it fair across the board. Christopher Peck, Superintendent of Streets, said the underlying cause is that you are segregating the union and the non union. You are forcing people to unionize since you are treating people unfairly. Selectman Maksy said we are talking about treating the union and non union equal to the school. Further discussion ensued.

Mr. Orrall said his raises do not always go up. People's income goes down, their taxes go up and that is the point to bring up that we are all in this bad economic time. We would all like to have raises. As taxpayers, we do not want to pay that tax, but we have to, so sacrifices are being made by the taxpayers already. He has to make choices when he does not get a raise. Chair Yeatts said all these people work for the Town. One group is getting 5%, another group is getting zero, so how would you feel when you all work for the same people. Mr. Orrall said he is well aware of that. Mr. Healy said he did not have a problem with the 2%, but what bothers him is that he kind of feels like he is under the gun to do it since he is hearing a veiled threat of unionization. There is nothing to prevent them from doing that even if we give the 2%. He has an uneasy feeling at this point. Selectman Olivier said do not let that influence you. Chair Yeatts said people are defending their livelihood. That is what happens when people feel threatened. Vicki Souza said she has been an employee for about ten (10) years. It is not so much the raises, but we all feel very segregated. We are one (1) little group in a corner, and we all put 150% in to keep the Town going. She feels like no one cares about us. The morale is very low and it is more than just this year. We contribute all that we have to the Town of Lakeville and we do not feel connected. We are separated from the unions, and it is hurtful. It has gone on for a long time. Barney Taylor said when you negotiate with the union, you should think of non union as the same that is all. We have no one to go to but you people. Last year we took it on the nose with the health insurance. The 2% would just barely cover the increase in health insurance. If Police and Fire do not get anything, then that is fine. Selectman Olivier said that is not true. When we negotiate with the unions, we are thinking about all the collective departments and how they are treated. We went to the unions and asked them to forgo the raise, and they said no. There is nothing we can do about that. We can give everyone a 5% raise, but

will have to layoff someone. We have had enough people laid off in this Town. We want everyone to get a decent raise and make sure the Town is there for the future.

Mr. Evirs said last year when we were in this budget situation, the union agreed not to take a wage increase, and they knew from our agreements that obligation to go back to where they should be with their contract. The non union knew they were not getting an increase and they did not have the option or the guarantee to get their raise. \$99,000 was set aside to balance the budget, even to the plus side to carry the stipends. So when the unions voted to hold off, they knew where they were going to be. The teachers did not know their percentage, but knew that they were going to get something. That has not been the case for the non union, but he thinks they feel they are due the same as the unions. Selectman Maksy said we have three (3) union contracts out there. The Police and Fire was negotiated three (3) years ago when the economy had not crashed. The Teachers knew the financial situation and it was a nice approach for them. My fear is that we give the 2%, then we will be laying off people. He thinks we can do 1%, but we have to decide as a town. There is not a lot we can do with Police and Fire. Right now, 1% is pretty generous for the times we are in. The Teachers are going to do 1% next year as well, they know we are not out of it. Mr. Evirs said the difference between a 1% and 2% is \$20,000 and we still have \$15,000 out there.

Ms. Garbitt said steps and levels were included in the Local School budget submitted and whatever raise was negotiated would come out of their budget. The School Department understood that. Chair Yeatts said at this point, she is really feeling that the difference Mr. Evirs spoke of (1%) is worth \$20,000. That will buy us a lot of good faith or ill will, which could force others to unionize. Selectman Olivier said it is only \$20,000. It is that mentality that has occurred year after year that has gotten us into the position we are in and that is through to the State. Chair Yeatts said she agreed and we need to change that moving forward. We do have debt to pay and we do have stabilization to recover. It does not happen overnight; we need to be fiscally responsible. We do not need to lose half of the train as we get there. Michael Petruzzo said he was uncomfortable about having to pay \$20,000 since the non union want to unionize. He did not like the feeling he is getting. Chair Yeatts said she understood about going forward, it is not fair and it is not equal and she tries to be fair and equal. How do you make that up? Ms. Kenney said when people feel that they are not appreciated, it is not a threat. Ms. Craig said it is not the money, it is the percentage. If the unions were getting zero, then there would not be one (1) person in this place complaining. The unions are getting what they are getting and non unions are getting nothing. Selectman Maksy said the Teachers are getting 1%. Yes it would be ideal if the Police and Fire were getting that percentage. We cannot back out of a contract. You are doing better than some of the Teachers since they are not all getting 1%. Debbie Kenney said they are getting steps also. That is more than 1%. Ms. Catalano said how about a 1% raise and restore half the hours to people that lost them? Ms. Garbitt said it is \$50,000 to restore all the lost hours. Chair Yeatts said ten (10) employees had hours cut, three (3) that were cut severely. She wanted to put everyone more equally in hours. There is no way we can do the \$50,000. Mr. Healy said so if we put those hours back for those three (3), it is \$8,100. Selectman Maksy said he would not object to giving a 1% raise and the other 1% use to restore hours. Ms. Kenney said we have taken a hit also. We are just asking for some recognition and respect. Further discussion occurred.

Ms. Garbitt reviewed the hours that employees had lost. Ms. Garbitt said that in the past, she had been able to reach out to other Departments to get help with projects, but she is not able to get the help anymore. Mr. Orrall said he is looking at this from a financial standpoint, not for union or non union. That is his position and that money will have to come from somewhere. It is not who deserves a raise or not, purely from a financial standpoint is how he will vote. Mr. Petruzzo said he would like more clarity on where we are and where we are going. He does not want to be here again next year, this is frustrating.

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

VOTED: To recommend a 1% increase for the non union employees with an additional 1% from the \$41,000 voted at Town Meeting to go into restoring lost hours.
Four (4) in favor, one (1) against.

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

VOTED: To give a 1% increase to the non-union personnel for FY11.
Unanimous in favor.

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

VOTED: To take the remaining 1% that was set aside to restore some or as many hours that we can within the Town Departments.
Unanimous in favor.

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

VOTED: To adjourn the Finance Committee Meeting at 9:50 PM.
Unanimous in favor.

Revisit Request for Town Drainage Easement – 102 Precinct Street

Chair Yeatts asked if Mr. Baptiste had seen the recommendation from Town Counsel. He had not, so Chair Yeatts gave him a copy. He is being advised to go for a dimensional variance and since the Town wants to use the drainage area, then Mr. Baptiste can request that the Town waive the filing fees. Ms. Garbitt said Town Counsel is working with the Building Commissioner to have the bylaw ready for the next time this happens. Ms. Garbitt said she has spoken with Donald Foster, Chairman of the Zoning Board of Appeals (ZBA), about waiving the filing fees. Chair Yeatts suggested that Mr. Baptiste start the appeal process with the Zoning Board of Appeals.

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

VOTED: To send a memo to the ZBA requesting that they waive their filing fee for Marcus Baptiste for the property located at 102 Precinct Street
Unanimous in favor.

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

VOTED: That the Board of Selectmen will pay for the legal ad for the ZBA hearing.
Unanimous in favor.

Review Acting Police Chief's Request regarding Part-Time Dispatchers and Reserve Officers

Acting Police Chief Frank Alvilhiera was present for the discussion. Selectman Maksy abstained from the discussion. Acting Chief Alvilhiera stated that the Police Station is down to two (2) dispatchers, since one (1) resigned last week. They are doing about 20 shifts a month and filling in with overtime. It would be a cost savings to have a part time dispatcher rather than paying for overtime. Therefore, he would like to add three (3) part time dispatchers to have a total of five (5) part time dispatchers. The Department has had about 20 applicants so far, and a few are already 911 trained. We are getting a grant for them to go for the training.

Upon a motion made by Selectman Olivier with Chair Yeatts stepping down to second the motion and stepping back up to vote:

VOTED: To approve hiring three (3) part time dispatchers for the Police Department.
Unanimous in favor.

Discuss Traffic Issues regarding the recent Triathlon

Acting Police Chief Frank Alvilhiera was present for the discussion. Chair Yeatts stated that during the last triathlon, she was stuck in traffic, along with others, for 20 minutes. Ms. Craig stated that the triathlon organizers are scheduled to come in on July 12, 2010 to meet with the Board. They will be meeting with Acting Chief Alvilhiera and Fire Chief Hopkins before they meet with the Board of Selectmen. There will be a sprint run, an intermediate run, sprint bike and intermediate bike race. Acting Police Chief Alvilhiera stated that the issue he is concerned with is crossing over Routes 18 and 105. Chair Yeatts stated that the cyclists were also swearing at the officers and taking up the travel lane. Acting Police Chief Alvilhiera stated that he will be meeting with the organizers on Wednesday.

Review Request from Treasurer regarding Auction of Tax Title Property-Lewis Island

Chair Yeatts stated that she is stingy in offering up Town land. Ms. Garbitt stated that the Town can set a minimum bid if they want to auction this property. The Town needs to recoup back taxes and in legal fees. It is valued at \$15,600; it was valued at \$57,000 at one time. Selectman Olivier stated that the Board should set a minimum bid of \$57,000 plus the \$3,000 for taxes and legal fees. Ms. Garbitt will find out more and put this on the next agenda to see if this is a buildable lot and get the Building Commissioner's opinion.

Revisit Request from Permit for Unregistered Car Storage-1 Fern Avenue

Chair Yeatts stated that the Conservation Agent feels that the applicant should file a RDA. We will table this until we receive further information. Ms. Garbitt stated that they need to have the property surveyed to know the boundaries.

Revisit Request from LaRouche Political Action Campaign to issue Resolution

Daniel Yule and Mike Lowry were present for the discussion. Daniel Yule gave a general summary of the LaRouche Political Action Campaign's position. They would like the Town to issue a resolution in support of their position. Chair Yeatts stated that on behalf of the Town of Lakeville, she does not think this is for the Board to decide. People need to make their own decision on this.

Requests for One Day Liquor Licenses-Park Commission

Chair Yeatts stated that she assumes that Mr. Fuller has the proper insurance.

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

VOTED: To approve the following One Day All Alcohol Liquor Licenses: the Gattozzi family reunion on July 10, 2010 from 9:00 AM to 4:00 PM; the Hutchins family party on July 24, 2010 from 2:00 PM to 10:00 PM; and the summer outing for the Department of Corrections on July 25, 2010 from 12:00 PM to 7:00 PM.
Unanimous in favor.

Discuss Transfer of \$1,000 for Betty's Neck

Chair Yeatts stated that Taunton, New Bedford and Lakeville have all chipped in \$6,000 in the past and have received up to \$5,000 for the hay in the field in the past. In the future, Betty's Neck needs to raise money for electricity. She has looked into wind and the solar routes and spending the money on repairing damage that kids are doing. So an alarm system and electricity is needed. This will be an agenda item for the next meeting. Middleborough Gas and Electric has said they will allow the electricity to run underground without conduits. Then Betty's Neck can be rented for events to generate some income. Usually during an event two (2) generators need to be borrowed with long extension cords to place them in the woods so that people cannot hear the generators.

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

VOTED: To transfer \$1,000 out of the Gift and Grants Account for Betty's Neck to cover expenses.
Unanimous in favor.

Discuss ideas for funding assistance for seasonal homes impacted by March flood

Selectman Maksy read the letter received by Dave & Theresa Krijger into the record. They are from Spain. Their letter noted that due to the flooding, people have some pretty extensive work to do on their homes. Ms. Garbitt stated that the Board voted to waive the permit fees for emergency repairs. Selectman Maksy stated that he thought the Board was going to allow the waiving of fees for people to get in and started back up. The Building Commissioner saw it differently. He thought the fees were only waived for emergencies. Further discussion took place on the matter. Chair Yeatts stated that she feels that it would be good to have a meeting as a group to discuss this issue. The meeting will take place on July 12, 2010 at 8:00 PM.

Review Disclosure (G.L. c. 268A s. 19) for Town Employee

Chair Yeatts read the disclosure regarding Gary Mansfield into the record. Selectman Maksy asked who was Mr. Mansfield's direct boss. Ms. Garbitt responded that it is Marilyn Mansfield, Council on Aging Director. Selectman Maksy stated that he was uncomfortable with Ms. Mansfield being her husband's direct boss; he would prefer Ms. Garbitt be his direct boss. Selectman Olivier read some information regarding conflict of interest and nepotism. He understood that Mr. Mansfield has been in this position for a long time, but the push for the State Ethics Commission is to have arms length transactions, and we need to move in that direction. We need to set a policy on our hiring so that we do not have any perceived conflict of interest. Chair Yeatts said that is why the disclosure is being filed. Mr. Mansfield filled in to help out the Town when a driver was needed. The position is only seven (7) hours a week and there are no benefits. Further discussion took place on this matter. Selectman Maksy suggested that this be forwarded to the Wage and Personnel Committee and to hold off making a decision. Mr. Malenfant stated that the Board touched upon it, who is investigating who if he gets hurt or if there was a sexual harassment case. Ms. Garbitt suggested this be sent to Town Counsel. Selectman Maksy suggested the position be posted again and the position be advertised. Ms. Garbitt stated that the position was previously posted on the website and the bulletin board. Ms. Craig stated that she was inundated by calls for the part time dispatcher position and that was on the website. Selectman Olivier stated that the position should be posted again. Selectman Maksy suggested trying a different method, like COA journals. Selectman Maksy asked to have Ms. Garbitt and Selectman Olivier work on an advertisement for the position. Then if there are no applicants, then it will show that the Town did due diligence for the taxpayer. Selectman Olivier stated that he called the State Ethics Commission, and they said it was a violation. The Board can sign the disclosure, but it is still a violation. Selectman Maksy stated that the Board needs to correct the violation, not to make it okay. We need to stop the violation. He knows this is tough, and the Town loses either way. He was not ready to take action on this. The Board will continue looking into this matter.

Review and Approve Selectmen Meeting Minutes of March 22, 2010, March 30, 2010 (2 sets), April 1, 2010 and May 4, 2010

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

VOTED: To approve the Selectmen's Meeting Minutes of March 22, 2010 as presented.
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 approve the Selectmen's Meeting Minutes of March 30, 2010 (Emergency Meeting) as presented.
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 approve the Selectmen's Meeting Minutes of March 30, 2010 as presented.
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 approve the Selectmen's Meeting Minutes of April 1, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 4, 2010 as amended (change the minutes from water stabilization account to stabilization account).
Unanimous in favor.

Review and Approve Selectmen Executive Session Meeting Minutes – May 4, 2010

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

VOTED: To approve the May 4, 2010 Selectmen Executive Session Meeting Minutes.
Unanimous in favor.

Any other business that may properly come before the meeting

Selectman Maksy stepped out during this discussion. Chair Yeatts stated that Senator Marc Pacheco was in Middleborough today. Chair Yeatts and Ms. Garbitt spoke to him about Sysco and went over the reasons why it is advantageous for Middleborough and Lakeville to have Sysco come to the area, including jobs. When we do our final agreements with Sysco, we should work together with Middleborough in the future. 75% of the new jobs will put qualified residents of Middleborough and Lakeville to work. We do need waste water and that is going to be a give and take.

Selectman Olivier talked about the audit report for the Town of Lakeville and read the deficiencies noted. He stated that the Selectmen need to address this issue as a Board. This will be placed on the agenda for the next meeting. Ms. Garbitt stated that she will have the Treasurer/Tax Collector and Town Accountant present for the July 12, 2010 Selectmen's Meeting.

Ms. Garbitt stated that the revised Open Meeting Law was not postponed, so the posted of meetings, as of July 1, 2010, will need to be available 24 hours a day. We will post on the glass doors for now.

Other Items

1. Letter from Library Trustees regarding use of Library Meeting Room
Chair Yeatts stated that this is because people could not get in to see Sysco and were rude to employees at the Library. If there is going to be a meeting with over 130 people, they would like another meeting place to be considered. Chair Yeatts said the Joe Simas Lecture Hall holds just as many people, so the Town could hold the meeting elsewhere.
2. Letter from MassHousing regarding Independent Auditors' Report-Woods Edge
3. Letter from EOEA regarding FY10 Commonwealth Capital application
4. Notice of South Coast Rail meeting-Freetown Station Area Workshop – July 13, 2010
5. Mass DOT Storm Damage Inspection report-Bridge Street Bridge
6. Letter from Mass DOT regarding 2010 Notice of Technical Assistance Opportunity
7. Meeting Notice-SRPEDD Commission – June 23, 2010
8. SRPEDD Draft Comprehensive Economic Development Strategy Report – June 2010
9. Notice from FEMA regarding closure of Disaster Recovery Centers
10. Letter from Department of Energy Resources regarding MassEnergy Insight
11. Letter from Comcast regarding launch of ESPN3D
12. Comcast Connections newsletter
13. Wildlands Trust newsletter
14. Insights Newsletter
15. Information regarding office supply contract with WB Mason

Chair Yeatts stated that she is going to send a letter to Congressman Barney Frank that the Town could be back in the flooding situation again next year.

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

VOTED: To send a letter of thanks to FEMA for the recent assistance during the flooding.
Unanimous in favor.

Adjournment

At 11:20 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 Fire Collective Bargaining Agreement. The roll call vote was unanimous.
and not to return to Open Session under reason #3 to discuss the Fire Union contract.
Polled vote of Selectman Maksy – aye, Selectman Yeatts – aye, and Selectman Olivier – aye.