

**TOWN OF LAKEVILLE
SELECTMEN MEETING MINUTES
Monday, July 12, 2010**

On July 12, 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 7:00 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.

Chair Yeatts asked if anyone was recording the meeting. It was noted that Cindy Dow of the Middleborough Gazette was recording the meeting.

1. 7:00 PM Meet with Eric Averill to discuss August Triathlon

Eric Averill was present for the discussion. Mr. Averill apologized for the June 20th backups of traffic during the race that had taken place. Discussion regarding the route has occurred since the previous race, and it is felt that there is just too much traffic on that route, so an alternate route has been proposed with the Acting Police Chief. The next event will take place on August 29, 2010. The route leads directly out of Town to the south and then comes back in Town and does not involve County Road or Route 79. He then asked permission to hold the event and stated that he feels positive that the new route will not cause any traffic problems. He has the appropriate insurance certificate. Chair Yeatts stated that as long as the route is okay with the Acting Police Chief, then she is fine with it as well. She added that she had also been involved in the traffic back-ups during the past event. Ms. Garbitt noted that Mr. Averill has also agreed to pay for a police officer supervisor to go around to the different check points to address any problems that may arise. The residents on Long Point Road should be made aware of the date of the event. Mr. Averill responded that he can notify the residents of the upcoming dates for the event.

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

VOTED: To approve the dates of August 28, 2010 and August 29, 2010 for the Cranberry "Trifest" bike races. The organizer must notify the residents on Long Point Road of the dates and times that the bike races would be traveling down their street.
Unanimous in favor.

2. 7:15 PM Meet with School Department to discuss paraprofessionals

John McCarthy, Superintendent of Schools and Laurie Hunter, Principal of Assawompset School were present for the meeting. Superintendent McCarthy had met with Ms. Garbitt and Selectman Olivier a few weeks ago to discuss ways to hire paraprofessionals (paras) relative to benefits. The School Department can continue hiring part-time paras, and they would share the responsibilities of working with a particular student. This is not educationally sound, but it will save on the cost of benefits. The School Department can hire the part-time paras that are in place now and increase them to full time. However, that would be three (3) more people eligible for benefits. The question is does the Town have any room in their budget for adding these

benefits, if the employees are looking for benefits. Mrs. Hunter explained that two (2) of the paras are only working part-time after being rehired. They used to be full-time, so there is a little benefit there. Grant money was used to reinstate most of the one-to-one paras last year. It will be academically and very educationally challenging to have the paras switch on Wednesday mid-day. Chair Yeatts pointed out that children with special needs and on Individual Education Plans (IEP) have a problem with change. However, the longer that they are not allowed to deal with change, then the harder it is for them.

Mr. McCarthy explained that planning time is challenging for all the paras and teachers. There are a lot of staff in the building now working part-time. The school is approaching having more Special Education staff in the building than regular educational staff. It is preferred to have more full time personnel, but the School Department is conscious of the benefits issue and would like to try and meet the needs of the students. By bringing the paras back to full-time, it would be a better direction to go educationally. Discussion then took place on the cost of benefit packages in various scenarios. The estimated cost for the addition of three (3) full-time paras and then their pay into the Massachusetts Teacher's Pension Fund would be roughly \$45,000.

Selectman Olivier explained that at the meeting the trend of not having enough help in the regular classroom and needing more and more IEPs was discussed. He added that he does not want to add more benefits and costs to the Town, but maybe hiring more people to help out in the classroom would help cut out the IEP trend. Something needs to be done in the most cost effective way. Mr. McCarthy said Selectman Olivier's suggestion would help and be a move in the right direction. The cycle needs to be broken somehow. Ms. Hunter stated that the School Department just wants to make the Selectmen aware of the immediate needs that are coming up before they arise as an issue. These are full-time positions that have been made part-time due to the benefits. Mr. McCarthy stated that the \$40,000 will pay for four (4) part-time people. The School Department has the money to finance the position with the \$40,000.

Ms. Garbitt said that two (2) Town employees that were previously not on Town insurance had signed up for family plans and one (1) person from the School Department went from the single plan to the family plan. It is also up to the Town to report the 40R students to receive that 40S money. The money for FY10 will not come in until FY11. Since it is not known when the money will come in, the budget is done based on what plans have changed. This matter will be discussed with the Finance Committee, and there will be another meeting to discuss this matter with the School Officials during the summer.

3. 7:30 PM Meet with Treasurer and Town Accountant to discuss FY08 Audit Management Letter

Debra Kenney, Treasurer/Tax Collector and Cynthia McRae, Town Accountant, are present for the discussion. Selectman Olivier stated that he was glad to see Ms. Kenney and Ms. McRae in attendance to discuss the FY08 audit, and Management Letter from Auditor Robert Brown. The letter was regarding interdepartmental reconciliations for cash.

Ms. Kenney explained that internally her department has not been able to do the reconciliations for cash month to month since they have lost a person and also they had to cut

more hours in the office. The reconciliation comes out fine; however, there is not time to do it monthly. If the Town has to make it a priority they will, but something else will have to be let go. Selectman Olivier stated that he is only interested in having it get done monthly since if something is wrong, it goes undetected for a long amount time. Ms. Kenney responded that she understood this; however, the office is understaffed. She would like it a priority, yet there are so many things coming in at once. She is constantly being interrupted during the day by residents, but those are the people that voted her in. Selectman Olivier added that they also voted for her to get the job done. Selectman Maksy pointed out that Ms. Kenney can work as many hours as she wants. Ms. Kenney responded that she does work a lot of hours and usually arrives at 6:30 AM. There are just a lot of mandates and so much more that needs to be done with less staff. She suggested moving her office into the back to get more work done. There are a lot of people that come in to pay their taxes. Sometimes there are so many that come in that she has to help out at the window.

Selectman Olivier asked what the status was of the FY09 audit. Ms. McRae responded that it has not come in yet. The auditors have not completed the management part yet. However, the draft has been received. The final letter has not been written to be reviewed with its recommendations as of yet. Ms. Kenney mentioned that she anticipates that soon residents will be able to pay online. That may help with timely receivables and also the amount of people at the window. Selectman Olivier stated that he would also like to set a date for when the final report is received in order to have the Town Accountant go through the final financial statements.

4. 8:00 PM Meet with Building Commissioner & Seasonal Homeowners regarding flood repairs

Robert Iafrate, Building Commissioner, was present. Mr. Iafrate explained that there are several dozen seasonal home owners still repairing their homes. They have received no assistance from FEMA, taking the money out of their own pockets to pay for the materials and doing the repairs themselves. Selectman Maksy stated that he had received a letter from a family in Spain that has a seasonal home here, and they are trying to determine how to go about the repairs. This is tough for people, even if they have a second home. Mr. Iafrate explained that none of the people are getting proper permits. They are just doing everything themselves, even though the permit fees have been waived. Unfortunately when people opened up their homes after the flood, they saw that the repairs needed were major. The information that the Town received from the Small Business Association (SBA) is that some of the people, if they can prove that it was occupied or rented, are eligible for SBA loans. However, many people just use the properties from June through August, so unfortunately there is no loan assistance there for them. There is a betterment program for septic system repair, but they would have to go to the Board of Health.

Chair Yeatts noted that the Town did provide three (3) dumpsters for people to dump their old materials. The Town does not have any money to offer assistance to these residents. She added that she would be willing to contact Eastern Bank to provide low interest loans, but the Town does not have any money. Mr. Iafrate stated that a majority of the homeowners have already done their repairs. There are at least three (3) or four (4) families that want to rebuild and will go

for a special permit. Chris Hinder, a Clark Shores resident, stated that he owns a summer house, and the dumpsters were really appreciated, since they had brought material to the Lakeville dump and were not allowed to dump anything. Ms. Garbitt stated that they just need to bring proof of residence, like a tax bill, and they would be allowed to use the Landfill. Mr. Hinder stated that he still has a yellow sticker on his house. He is doing the repairs and knows that it needs to be inspected. However, if the septic system is not up to code, then they have two (2) years to fix it and he was not told that before. Selectman Maksy stated that the Town was told by the Department of Environmental Protection (DEP) that they would not have to do that. Chair Yeatts agreed and said the Town was told that the flood was not going to be used as an excuse to upgrade the septic systems. Mr. Iafrate stated that the Board of Health is not making them upgrade their systems, but if it is in failure, then they have two (2) years to fix it. Once he receives the letter that their water quality test is potable, then he gives the residents the sticker, making sure that there are no structural issues. Selectman Maksy stated that people cannot afford the \$15,000-\$20,000 septic repair or upgrade. After further discussion, it was decided that the Board of Selectmen need to meet with the Board of Health in order to clarify what is taking place in terms of the Title V inspections, the fees, the water inspections, etc. and then the stickers that the residents receive. It was pointed out that once the water quality test is received, it is also reviewed by the Board of Health. However, at the meeting at the Library with the residents, the Board of Health seemed to be suggesting a different plan of action.

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

VOTED: To authorize Mr. Iafrate to review the water quality results (residents will need to bring in their water test results from a certified lab) and as long as the toilet flushes and other requirements are met, the residents can get a green card and take down the yellow sticker.
Unanimous in favor.

Chair Yeatts stated that the Board will have a public meeting with the Board of Health to discuss this matter. The tape of the May 8, 2010 Saturday meeting at the Library will need to be reviewed regarding the discussion that had taken place with the Board of Health.

5. Discuss auction of Lewis Island property

This item was removed from the agenda since Chair Yeatts would like more information.

6. Receive update from Building Commissioner regarding Energy Advisory Committee

Robert Iafrate, Building Commissioner, stated that the first meeting of the Energy Advisory Committee was held two (2) weeks ago. Chad Laurent from Blue Wave and Seth Pickering from Department of Energy Resources were both present at that meeting. Mr. Iafrate has received information from Mr. Laurent regarding by laws that have to be drafted. That will be done at the upcoming meeting Wednesday night. These bylaws will include "As of Right Siting", "Stretch Energy Code" and "Expedited Permitting". It is hoped to move this rather quickly. Chair Yeatts stated that the by-laws could be on for the Annual Spring Town Meeting.

7. Vote to sign Bond Anticipation Note

Chair Yeatts said the total short term debt is \$675,500.

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

VOTED: To approve and sign the Bond Anticipation Note (BAN) in the amount of \$675,500.00 for various purposes to be issued on July 23, 2010 and due July 22, 2011 payable to Unibank for Savings with an interest rate of 1.20%.
Unanimous in favor.

8. Review Wage & Personnel Grievance Decision

Selectman Olivier stated that several Wage & Personnel meetings have taken place regarding this matter. The Fire Chief denied the grievance, which was filed for the April 1st through April 10th pay period when Route 18 was closed due to flooding. The Call Firefighters were told by the Lieutenants that they would be paid at their detail rates and they were paid their normal rate of pay. Normally the detail rate is paid when someone goes to work and is paid by someone else other than the Town. The Call Firefighters were led to believe that they were going to be paid the detail rate. It was decided to take the expense out of the Fire Department's expense budget. The cost is \$8,524.55.

Ms. Garbitt stated that the Fire Chief did wait until the final payroll was done to make sure he had enough money in the budget. Also, only regular pay or overtime pay can be submitted to FEMA, not detail time pay.

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

VOTED: To transfer \$8,524.55 from FY10 Expense Account to the Fire Department Wage Account.
Unanimous in favor.

9. Discuss recommendation regarding employee hours

Chair Yeatts stated that at the Board's last meeting, the Board voted for a 1% raise for non union employees and for the remaining money to go to restoring hours. Ms. Garbitt explained that the worksheet that the Board was given is what it would cost if all the hours were restored, approximately \$10,000. She and Chair Yeatts looked at where the deepest cuts were to be fair to each Department. Minor discussion then took place on the staffing at the Library. Selectman Olivier stated that from a control standpoint, the Board needs to worry about what the needs are with the Treasurer and the Town Accountant. The Board needs to make sure that the duties of the Town are being fulfilled. Chair Yeatts asked Ms. McRae if some or all of the five (5) hours she lost were restored, what does that do for her office. Ms. McRae stated that everyone works together great as a team and everyone pitches in. In the Assessors' Office they are having a more difficult time meeting the requirements of the Department of Revenue and other duties. That is where the revenue starts, and she would like the hours restored there. Ms. Kenney

pointed out then when the Assessors are backed up, it impacts her office. The office just does not have the down time that it used to have. With less hours, something is going to suffer somewhere. The Treasurer's Office and Assessors' Office is so closely linked that a person could move over there and work the five (5) hours. Discussion then took place about cross-training, the benefits and the drawbacks. Discussion also took place on the type of experience one would need to have to work in both offices.

Norman Taylor explained that the Building Permits are behind at the Assessors' Office. Extensions on some deadlines have been received, but that cannot continue. No road work is getting done since there is so much office work. Inspections are time consuming. There is working at the counter, answering the phone, research work, etc. Chair Yeatts pointed out that the day the Assessors are closed to the public, Mr. Taylor should not have to be there. She noted that the Assessors' Office is only open to the public three (3) days a week. Selectman Maksy stated that his pet peeve is that the Assessors' Office is closed on Wednesdays. The Town tried to close Fridays to conserve energy and now the Assessors are closed two (2) days a week to the public. Any other department would love to close a day to get their work done. It is difficult knowing they are closed two (2) days of the week to the public since they do work for the public. On Wednesdays the people at the Town Hall have to answer the questions that would be asked at the Assessors' Office, but cannot since they are closed. Chair Yeatts stated that the Assessors' Office is the only Department that is closed two (2) days a week. Every other Department in Town is available to the public four (4) or five (5) days a week. The hours will be reassessed, and this matter will be put it on the agenda for the next meeting. The Board will take everything under consideration.

10. Request to appoint Richard Turner to APC Dam Management & Pond Level Subcommittee & Nemasket River Subcommittee

Chair Yeatts stated that she has asked Richard Turner if he would be on the APC Pond Level Subcommittee. There are actually two (2) committees.

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

VOTED: To appoint Richard Turner to the APC Pond Level Subcommittee with no expiration date.
Unanimous in favor.

11. Discuss Draft Water Master Plan

Chair Yeatts stated that she needs to sit down with Selectman Olivier to discuss the Draft Water Master Plan. The Town well site property needs to be surveyed, and the Town needs to define its boundary where the private property comes in. Some sort of temporary fencing is needed. A well test should be done. The last one was in 1966. She would like Chris Peck, Superintendent of Streets, and Ken Motta of Field Engineering to determine the boundaries.

12. Revisit electricity for Peach Barn at Betty's Neck

Chair Yeatts distributed copies of a work order to bring electricity to the Peach Barn and the plans were reviewed. The cost is \$17,154 to go underground. Though a trench can be dug and sand obtained, the wire still needs to be purchased and \$17,000 is too much money. Selectman Maksy stated that the letter needs to be given to a contractor to price the wire and everything out.

13. Review and vote to approve GATRA Contract

Chair Yeatts said that the Board needed to vote to approve the GATRA Contract for the Town.

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

VOTED: To approve the GATRA Contract.
Unanimous in favor.

14. Review Revised Preliminary Digital Flood Insurance Rate Maps for Plymouth County

Ms. Garbitt stated that there is an appeal period for the Town to appeal the Floor Map. After the appeal period is over, all comments will be taken into consideration. The appeal period is through August 26th and it will become effective six (6) months later. The Town will have to adopt the map by the effective date. The maps were reviewed by the Board.

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

VOTED: To not appeal the revised preliminary digital Flood Insurance Rate Maps for Plymouth County.
Unanimous in favor.

15. Discuss Opportunity for Technical Assistance-South Coast Rail

Selectman Maksy recused himself from the discussion. Chair Yeatts stated that she agrees to have the resource protection and save the market feasibility for another time. The Town should keep the resource protection. Ms. Garbitt stated that the Town was turned down for the demographic study last year.

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

VOTED: To include resource protection and remove the market study.
Unanimous in favor.

16. Review request for Road Cut-Bay State Gas

Chair Yeatts stated that the Superintendent of Streets has reviewed the Road Cut request by Bay State Gas and has approved it.

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

VOTED: To approve the request for the Road Cut by Bay State Gas at Taunton Street between poles 52 and 52A for gas maintenance repairs.
Unanimous in favor.

17. Request for one day All Alcohol License-Park Commission

Chair Yeatts said the Board had received a request from the Park Commission for a one day, All Alcohol License. Selectman Maksy asked Ms. Garbitt to inquire if the son is a resident of Lakeville. If so, perhaps the Selectmen can give him some recognition for his service in Iraq.

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

VOTED: To approve the one day All Alcohol License on August 1, 2010, from 2:00 PM to 10:00 PM at the Ted Williams Camp for the Hutchins family party.
Unanimous in favor.

18. Review Zoning of Appeals petitions: McGrath, Adams and Richards/Smith

Chair Yeatts said the Board had received three (3) Zoning Board of Appeals (ZBA) petitions for review.

The McGrath petition of 16 Fuller Shores Drive was reviewed by the Board. The Selectmen have no comments with the petition.

The Adams petition for 1 Fern Avenue was reviewed by the Board. Ms. Garbitt stated that the Building Commissioner's letter was not included. The Board of Health had no health concerns. Discussion took place about the fact that vehicles appear to be located on Town property. This use would need a filing with Conservation Commission. The lot needs to be surveyed to make sure that they are not on Town property. Selectman Olivier asked what evidence the Building Commissioner received to allow this use. Ms. Garbitt stated electric bills along with other information. Chair Yeatts stated that we do not have all the information. The Conservation Commission needs to go out, and the applicants need to do a request for a Request for Determination of Applicability. Chair Yeatts stated that the Board does not recommend that they act on the petition since all the information is not in.

The Richards/Smith petition of 325 Pond Lane was reviewed by the Board. Chair Yeatts stated that the attic looks like two (2) more bedrooms. The Selectmen noted that the Board of

Health had not commented yet. They recommend that the Zoning Board of Appeals adhere to the zoning regulation on this petition.

19. Review and vote to approve Selectmen's Meeting Minutes: February 22, 2010 and March 8, 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 February 22, 2010 as presented.
In favor 2, Abstain 1.

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 8, 2010 as presented.
In favor 2, Abstain 1.

Chair Yeatts asked about the status of the garage on page 11, would it be torn down or repaired. Ms. Garbitt will follow up on that and get an answer to Chair Yeatts.

20. Review and vote to approve Executive Session Minutes: April 7th, April 12th, April 21st and April 26, 2010

The April 7, 2010 and April 12, 2010 minutes were tabled until the next meeting.

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

VOTED: To approve the Executive Session Minutes of April 26, 2010 as presented.
Unanimous in favor.

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 Executive Session Minutes of April 21, 2010 as presented.
In favor 1, Abstain 1.

21. Any other business that may properly come before the meeting

Ms. Garbitt stated that the Town received approval from the Attorney General regarding the change in the General Bylaw. The review was pretty fast. It is usually 90 days for this process, and it was done under a month.

Other Items

1. Letter from Board of Health regarding 1 Patrick Thomas Court

2. Notice from FEMA regarding Fire Department Grant
Selectman Maksy expressed his thanks to the Fire Chief for getting the grant.
3. Letter from Board of Library Commissioners regarding FEMA Disaster Recovery Center
Chair Yeatts stated that the Town should keep this letter for the Library as evidence for the waiver. The Town may have to apply for it again.
4. Letter from FEMA regarding use of Lakeville Library
Chair Yeatts stated that the Town needs to keep this letter also for the Library as evidence for the waiver since the Town will have to apply for it again.
5. Thank you letter from Tuesday Club of Assonet
6. Letter from Town of Middleborough regarding State's property on Bridge Street
Ms. Garbitt stated that the Town of Middleborough received this also. It is the Citizens Environmental Group and it has been forwarded to Representative Stephen Canessa. Chair Yeatts stated that the letter is totally untrue, what they are saying about the blame to Taunton and New Bedford. Selectman Maksy stated that this is State property, and the letter should be forwarded to DCAM.
7. Information from Field Engineering regarding Route 79 project
8. Chapter 40R Smart Growth Zoning District 2010 Annual Update
9. Letter from MassHousing regarding Final Cost Examination Report for Woods Edge
10. Calendar of Educational Events-Plymouth County Cooperative Extension
11. MassWildlife News
12. Letter from Comcast regarding channel changes

Adjournment

At 9:50 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier the Board unanimously:

VOTED: To enter into Executive Session to conduct contract negotiations with non-union personnel, specifically the Police Department, and not return to open session.
Polled vote: Selectman Maksy-Aye, Selectman Olivier-Aye, and Selectman Yeatts-Aye.