

**SELECTMEN'S MEETING**  
**Monday, July 28, 2008**

On July 28, 2008, 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 Evirs at 7:04 PM. Selectmen present were: Selectman Evirs, Selectman Maksy and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**7:00 PM Meet with Finance Committee**

*Cynthia McRae, Town Accountant, was also present for the discussion.* Finance Committee members present included Gary Mansfield - Chairman, Steven Olivier, Michael Petruzzo, and Melissa Hopkins. Chairman Mansfield called the Finance Committee meeting to order at 7:05 PM.

The transfers for FY08 were then reviewed. Chairman Evirs stated that the Town needs to readjust the transfers from the end of the Fiscal Year. He then read the list of the transfers from and the transfers to.

| <u>Transfer From</u>     |                    | <u>Transfer To</u>                   |                    |
|--------------------------|--------------------|--------------------------------------|--------------------|
| Board of Health Expenses | \$5000.00          | Town Office & Fire Station Utilities | \$5000.00          |
| Police Dept. Wages       | \$5300.00          | Town Office & Fire Station Utilities | \$5300.00          |
| Police Dept. Wages       | \$1800.00          | Property & Liability Insurance       | \$1800.00          |
| Police Dept. Wages       | \$7500.00          | Legal Expense                        | \$7500.00          |
| Police Dept. Wages       | \$2400.00          | Street Lighting                      | \$2400.00          |
| Police Dept. Wages       | \$5000.00          | Wiring Inspections                   | \$5000.00          |
| Fire Dept. Wages         | \$1600.00          | Animal Shelter Expense               | \$1600.00          |
| Fire Dept. Wages         | \$1400.00          | Gas Inspections                      | \$1400.00          |
| Fire Dept. Wages         | \$3200.00          | Plumbing Inspections                 | \$3200.00          |
| Fire Dept. Wages         | \$3400.00          | Wire Inspection                      | \$3400.00          |
| Treasurer Wages          | \$4400.00          | Treasurer Expense                    | \$4400.00          |
| Library Wages            | \$2100.00          | Library Expense                      | \$2100.00          |
| Council on Aging Wages   | \$ 800.00          | Council on Aging Expense             | \$ 800.00          |
| Highway Dept. Expenses   | \$2900.00          | Highway Dept. Wages                  | \$2900.00          |
| Police Dept. Wages       | \$5000.00          | Other General Government             | \$5000.00          |
| Police Dept. Expenses    | \$3480.00          | Other General Government             | \$3480.00          |
| Fire Dept. Wages         | <u>\$2000.00</u>   | Library Electricity                  | <u>\$2000.00</u>   |
| <b>Total:</b>            | <b>\$57,280.00</b> | <b>Total:</b>                        | <b>\$57,280.00</b> |

Under With Other General Government Expenses, this was partially the fuel in the tank at the Highway Barn that was not allocated to any particular Department and is inventory on hand. Ms. Garbitt further explained that half of the transfers were from within Departments, however, the heating fuel for the Town Hall building was \$10,000 more than anticipated. The Treasurer's

Expenses were for tax foreclosures and Land Court Fees. Additional information was provided by the Town Administrator and Chairman Evirs for clarification on the transfers.

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

VOTED: To approve the transfers.  
Unanimous in favor.

Upon a motion made by Mr. Olivier; seconded by Ms. Hopkins, the Finance Committee:

VOTED: To approve the transfers as listed on the Summary of FY08 Year End Transfers.  
Unanimous in favor.

Chairman Evirs then spoke of an article regarding how the Town of Burlington will be phasing out the reusing of police cruiser's for other municipal departments since they have now found that it is more money to keep up an old vehicle than to simply purchase or lease a new vehicle. That information is located in the Beacon for anyone to read. However, the Town of Lakeville has already figured this out and is ahead of the curve on this issue.

Chairman Evirs stated that Stephen Olivier has been meeting with the Superintendent and the staff that work within Community Recreation and has a report to present at this time to all present. Mr. Olivier went over the major points in his report dated July 10, 2008. He met with Dr. Steve Furtado, Superintendent of Schools, Lou Rodrigues, Business Manager, Jim Cabucio, Community Recreation Facilitator and Diane Czapiga, Community Recreation Office Manager. Ms. Czapiga has really turned the program around as far as some of the recommendations from the 2005 report, but it is unknown where they were implemented. The internal controls are in place, such as giving reports to the treasurer, getting information from the other directors and keeping it all separate with the checks and the deposits. All information is recorded and reconciled. It is costing Ms. Czapiga money to make the deposits since she is not receiving a lot in return with the reimbursement of her mileage. There are separate lock boxes in place for the pool and the Before and After Program. The most critical aspect is that they are not producing an income statement for each program. They keep the costs separate to make sure that they are cost effective, but they are not properly allocating the costs. Community Recreation is paying for two (2) maintenance people to be in the buildings on the weekend and that is \$47,000 a year. They need to get credit for that into the program by the pool and the Before and After Program. \$3,975 a month is the cost, and that is salary and benefits. There are also other costs that need to get allocated back to Community Recreation from the Central Office. The custodians are doing a lot of work for the Region. They are not sitting around watching the people in the pool, so work is being done, and that is a benefit to the Region. It was noticed on one of the purchase orders that they are paying for 50 gallons of oil a day and that is about \$61,000 a year. That is almost the same as it costs to heat the school. This is from an April purchase order. They are paying for the electric usage since they have a separate meter, but not a separate meter for the heat, since it is the boiler. The pump is old and needs to be replaced, and that will be a substantial capital cost. As far as what the auditors recommended about charging late fees, they do not charge late fees for the Before and After Program. All other recommendations have been implemented, but for the Superintendent with the hiring practices and the income statement. It was stressed with

Dr. Furtado on the exit interview that they need to come up with a good solid income statement for each of the three (3) programs. Caution needs to be taken when saying that the program is in the black. They do have a lot of fundraising going on for the programs, and without it, it is unknown if the program could continue on. The fundraising is listed along with the revenues.

Selectman Maksy stated that in fairness to all who are supporting the fundraisers, they have a right to know where the money is going and there must be rules on fundraisers and where the money is going. These funds should not be paying for custodians that are doing the work for others. Ms. Garbitt stated that the Before and After Program and Community Recreation should be allocated a portion of the property and liability insurance, the workers compensation and all the costs need to be looked into and charged back. They are allocating/assessing the Medicare, but not Social Security and there is a budget for that. Selectman Maksy asked if this is close to being a 501C. Mr. Olivier responded that it has to be a non profit to be a 501C. Selectman Maksy questioned if the State would like to know if their funds are going to this program. They may be walking a fine line. Ms. Garbitt stated that she would be interested in what Ms. McRae has to say on this and the income statement. Mr. Olivier stated that once it is set up he feels that Ms. Czapiga can handle it, but no one has ever told her or showed her how to do it. It is the Business Manager's job to do that, and that would be a quick fix. Chairman Evirs questioned if maybe this is a separate corporation with a tax ID # separate from the Region, etc. Ms. McRae stated that they are sharing assets, and you may not really want to see that happen. MGL (Mass General Laws) allows them to run it as a revolving account. Selectman Maksy asked if Community Recreation pays for itself. Mr. Olivier responded that it does not. Selectman Yeatts thanked Mr. Olivier very much for all the work that he did. This is something that the Selectmen have wanted someone to do for a long time now.

Mr. Mansfield asked if Mr. Olivier could further explain about the Superintendent not reviewing the hiring and it was thought he was to give his blessing on all hires. Mr. Olivier responded that there used to be a Director for the program, but Mr. Cabucio is running the program and is very passionate about it. He makes the decisions on who he hires. The Superintendent is not part of the process, and it was recommended that he be part of the process. Ms. Garbitt noted that the program cannot hire independent contractors since they would be directing them with what to do for work, so they are employees. Mr. Mansfield asked if there are any recommendations for the Business Manager and/or the Superintendent or changes that Mr. Olivier has thought of since his memo or something that should be implemented for the day to day operations, etc. Mr. Olivier responded that there is nothing further; the most serious issue is the income statement. They have to do that. Typically teachers are hired; they do a CORI check. Dr. Furtado did say he will talk to Mr. Rodrigues about the income statement.

Chairman Evirs asked if Mr. Olivier would keep looking into the income statement matter as a follow up. Mr. Olivier responded that he would. He is not taking his foot off the gas on this matter and will be following up. Ms. McRae stated that Mr. Olivier did a fabulous job, and it is hoped that he continues. Ms. Garbitt mentioned that the electric meter is just for the pool, there are also a lot of lights for the pool which are on a different meter. Chairman Evirs stated that there are a lot of peripherals, the lights in the locker room, the showers, etc., and they do not come down to the line item charges. It all needs to be tabulated. Then, the heat and fuel it takes

to maintain the temperature of the pool. Something should be done to protect the water level and the temperature of the pool.

Mr. Mansfield asked for a quick update regarding the budget process. Selectman Yeatts explained that the Board was supposed to meet with the Department Heads last Thursday, but had to be rescheduled to this Thursday. The Selectmen will sit and meet with the Department Heads next week. The Region has been invited as well since they were informed of what was taking place. Dr. Furtado, Mrs. Hunter and Mrs. Beaubien will be with the Selectmen at the Thursday meeting.

The Finance Committee then left the Selectmen's meeting at 7:50 PM to a meeting room across the hall for further discussions until approximately 8:30 PM, when they adjourned.

### **Review memo from Master Plan Implementation Committee regarding Neighborhood Business zone**

Chairman Evirs stated that the Neighborhood Business Zoning proposal still has to be reviewed by the Planning Board, but the MPIC wanted the Selectmen to review it first. Ms. Garbitt explained that the Master Plan Implementation Committee (MPIC) did make some changes and clarifications. It is understood that the Board of Selectmen and the Planning Board may still want to make changes.

Chairman Evirs explained that his concern is about the 20,000 square feet requirement. Can someone divvy off a piece of property and create a neighborhood business or does there have to be a structure there already? Selectman Maksy responded that they have to already have a structure there, but with the way it is written that is a good legal question. Maybe it should say "minimum" of 20,000 square feet. Selectman Yeatts stated that she still does not like the zoning proposal. When the Committee worked on the Master Plan in 2003 and the final plan in 2005, the times and economy were different. Lori Lane had not asked to be rezoned, and there are other places now that were not there then. She does not want to do anything to take away the rural character of the Town. She has a bad vibe about this type of zoning cropping up all over town. She is not warming up to this since it will be small businesses all over Town. This is not what people had in mind when the Master Plan was originally worked on. There was no Walgreen's, no shopping strip across from the bowling alley or Marcus Baptiste's development on Main Street. Ms. Garbitt stated that the in-home offices and businesses would keep the rural character. A Special Permit can be revoked and does not automatically get renewed when the person sells the property. Selectman Yeatts added that the Town does not enforce what bylaws are already in place. Ms. Garbitt mentioned that the Board can set up a schedule so that the Building Commissioner goes out more often to do inspections. Selectman Yeatts asked what the advantage was to the Town of Lakeville to do this. Chairman Evirs stated that the Assessors can assess additional taxes on these properties. Selectman Maksy mentioned that the Town could have this as an annual permit and it would be a revenue generator for the Town. If it got out of hand with all the inspections that needed to be done, then maybe we would hire a part-time Building Inspector. It would still be generating revenue. Selectman Yeatts asked is it worth for the Town of Lakeville to have all these neighborhood businesses. What are all the repercussions in the future? It seems like it will be the start of a Route 44 in Raynham or the other side of

Route 44 on Winthrop Street. Further discussion on the matter took place. Chairman Evirs stated that this is a better way to transition business to residential. Selectman Maksy stated that it is almost like a buffer. Chairman Evirs used the area that the Police Station is located as example. The funeral home is on residentially zoned land. Then the rest of the land around it is Business. Additional discussion ensued.

It was the opinion of the Board that they will hold off making a decision until they go to the Planning Board meeting and see what they think about the proposed Neighborhood Business Zone. The Planning Board will need to hold a hearing on this, and the Selectmen will need to be informed of when it will take place.

Discussion occurred regarding the rezoning of County Road. The residents went to the Planning Board meeting and they told the Planning Board that the Board of Selectmen was behind this. The Planning Board had not received a memo from the Selectmen expressing their support. Ms. Craig noted that she was not in attendance at the June 23, 2008 meeting and the minutes are not clear on exactly what the Selectmen are supporting. She asked the Board for clarification. Chairman Evirs said the Board was in favor of the idea if the neighbors were all in favor, but it was just the concept. Ms. Craig then read what the June 23, 2008 minutes stated and the memo that she will forward to the Planning Board. Further discussion ensued on the matter

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

VOTED: That the Board of Selectmen is in support of the residents on County Road's attempt for re-zoning a particular area business on County Road, if they get the consensus of the neighbors. Chairman Evirs will review the memo before it goes out to the Planning Board.  
Unanimous in favor.

#### **Vote to authorize the Town Administrator to sign M.O.R.E. Jobs Grant application**

Selectman Yeatts would like to review the M.O.R.E. Grant application with Ms. Garbitt tomorrow.

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

VOTED: To grant full and complete authority to Rita Garbitt, Town Administrator, to sign the application for the M.O.R.E. Jobs Grant on behalf of the Town of Lakeville  
Unanimous in favor.

#### **Request from Lakeville Arts Council for sign for Arts & Music Festival 2008**

Chairman Evirs read a request from the Lakeville Arts Council for their signage placement for the 2008 Arts & Music Festival.

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

VOTED: To approve the request from the Lakeville Arts Council to put signs up on private property for their October 4, 2008 Arts & Music Festival and for all signs to be taken down by October 6, 2008.  
Unanimous in favor.

#### **Request to appoint Wayne Morse as Call Firefighter**

Chairman Evirs read a request from Fire Chief Daniel Hopkins to reappoint Wayne Morse as a Call Firefighter. His reappointment was left off of the annual list.

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

VOTED: To reappoint Wayne Morse as a Call Firefighter for a one year term to expire July 31, 2009.  
Unanimous in favor.

#### **Request from Town Clerk for appointment of Election Poll Officers**

Chairman Evirs read a request from the Town Clerk for the appointment of Election Poll Officers.

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

VOTED: To appoint the following as Election Officers until August 15, 2009: David Wright, Douglas Young, Paula Villiers, Martha Vigers, Marilyn Hunt, Eleanor Gamache, Marion Mann, Diana Slocombe, Joseph Chamberlain, Susan Lynch, Rebecca Wood, Margaret Gross, Melissa Fitzgerald, Beverly Ingraham, Lavinia Annichiarico, Edwin A. Bollesen, Marion Bollesen, Pauline Ashley, Shirley Fernandes, Joan Morton, Leanne Cataldo, Jean Douillette, Kristen Main, Robert Brady, Mildred B. Fitting, Patricia R. Bessette, Arleen M. Bowles, Marjorie Cleverly, Vivian Lee, Gary E. Mansfield, and Catherine T. Sankus.  
Unanimous in favor.

#### **Request for one day liquor licenses-Park Commission**

Chairman Evirs read the request from the Park Commission for one day all alcohol licenses for two (2) events to be held at the Ted Williams Camp.

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

VOTED: To approve the August 3, 2008 one day all alcohol license from 11:00 AM to 5:00 PM for Morgan Advanced Ceramics and for August 9, 2008 a one day all alcohol license from 5:00 PM to 11:00 PM for the Loika/Campbell wedding.  
Unanimous in favor.

## **Review ZBA Petitions: Morneau, Martowska & Arruda**

### **Morneau petition - 133 Bedford Street**

Chairman Evirs stated that he would caution the ZBA that the spaces be labeled properly on the plans. It has the appearance of being a four (4) bedroom, three (3) bathroom house, so they should be careful on the labeling of the rooms. Ms. Garbitt noted that on the Title V application, it was approved by the Health Agent for a two (2) bedroom home and it was changed to a three (3) bedroom on the application. When was that changed? Selectman Yeatts asked if the old record with the Board of Health had a deed restriction. Ms. Craig responded that a two (2) bedroom deed restriction was previously put on by the Board of Health. They are putting in a new system for the three (3) bedroom home. Selectman Yeatts stated that they have been paying taxes on two (2) bedrooms and the ZBA should know that. Now they are saying they were using it as a three (3) bedroom home, so what about the taxes on that. We should point out that it has the potential to be four (4) bedrooms. Selectman Maksy stated that the applicant has to fix the application since it is not clear. Mr. Perry should redo the application and initial it when he makes changes. The whole bylaw needs a lot of work. Selectman Yeatts stated that she has concerns about the nitrogen loading with the septic system. Chairman Evirs stated that the suggestion from the Board is to note it appears to be a four (4) bedroom, three (3) bathroom home based on the floor plan. Also note that it is assessed as a two (2) bedroom residence by the Assessors.

### **Arruda Petition - 25 Beechwood Avenue**

Chairman Evirs stated that the way the bylaw is written, if the person does not demolish the structure, they can add a second floor since they are not increasing the footprint. That is a loophole in the bylaw, but not much can be done about it right now. That is what the applicant is looking to do. Selectman Maksy suggested that the Building Commissioner look at some language to clear this up. Chairman Evirs stated that the application is within the bylaws so he has no comments on it. Selectman Yeatts stated that nothing is mentioned about Title V. Any room over a certain size is considered a bedroom. There is no Conservation Commission approval either, so that can be part of the Boards concerns. Ms. Craig stated that the Conservation Commission has not seen any of the applications. Ms. Garbitt noted that the Selectmen are meeting again on the 11<sup>th</sup> of August if they would like to revisit this. Selectman Maksy stated that he would like to see what is happening below the family room. He would like to see a complete plan and remarks from the Conservation Commission and Board of Health. This would be an opportune time to start critiquing applications. Ms. Garbitt mentioned that there is some confusion on that with Don Foster, Chairman of the ZBA, so they will be meeting on that. Selectman Maksy stated that when they ask for copies of the plan, the applicant needs to make sure that they provide the full copy of the plan. Selectman Maksy's recommendation is that there is not enough information to make an educated decision on the petition.

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

VOTED: That the Board does not have enough information to make a recommendation, as there is no final Board of Health approval as they are all conditional, incomplete building plans, no approved Title V septic system, and the Conservation Commission has not seen the plans. The Board reserves their right to revisit this petition when all the necessary information is presented.  
Unanimous in favor.

Martowska Petition - 4 Edgewater Drive

Ms. Garbitt asked if the deadline to appeal has gone by. Ms. Craig stated that Mr. Iafrate's letter says that they have the right to appeal, but the first letter was dated May 28<sup>th</sup>. Chairman Evirs noted that the petition was signed June 13<sup>th</sup>. Ms. Craig stated that there is no date stamp on the application. Maybe the Town Clerk only date stamps one copy, the original, and not all 17 copies that come in. Ms. Garbitt stated that if it is dated June 13<sup>th</sup> then it is within the 30 days. Chairman Evirs stated that his recommendation is that the ZBA uphold the bylaws on this application, if it is a legitimate appeal within the 30 days. The Board should also authorize that the ZBA have Town Counsel access on this matter for clarification. The Building Permit may have been issued in error by the previous Building Commissioner in December 19, 2006. Then on May 9, 2007, an additional permit to construct a garage was also issued. Selectman Maksy stated that the Board should be kept abreast of the entire matter. Ms. Craig suggested that the Town Clerk be asked to stamp all copies in as well as the original. Chairman Evirs stated that they should date stamp all 17 copies. Selectman Maksy stated that they all become public record at that point. The Board needs to find out if the ZBA can hear the matter first. It will be a difficult petition for them to hear.

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

VOTED: That the ZBA uphold the bylaws on the Martowska Petition.  
Unanimous in favor.

**Review and vote to approve Selectmen's meeting minutes: February 28, 2008 and March 20, 2008**

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

VOTED: To approve the Selectmen's meeting minutes of February 28, 2008 as presented.  
Unanimous in favor with the Chairman abstaining from the vote due to his absence from the meeting.

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

VOTED: To approve the Selectmen's meeting minutes of March 20, 2008 as presented.  
Unanimous in favor.

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

Chairman Evirs stated that he and Ms. Garbitt went to a meeting with the Town of Middleborough and MassHighway regarding the signalization of the ramps at Route 105/495. This area covers from Clark Street to Main Street. Lakeville's concern is how they are transitioning into the relocation of Route 79. Contact has been made with Ken Motta and his group to make sure it all lines up. There is also an issue about buffering to check into. This would be for bicycle traffic. They will not have a four (4) foot shoulder for bicycles to ride. That is up to MassHighway to grant these variances. Middleborough is concerned about the lack of signalization at Route 105 east. Middleborough wants signals, but that is five (5) signals and MassHighway is concerned about traffic backing up onto Route 495 and the confusion it could cause with two (2) sets of traffic lights. They would be too close together. This is something that needs to be done, and there is no easy solution. They did put in the plan that the ramp that comes down across from McGee, they will do away with the yield sign. It will be two (2) lanes, right or left. Middleborough is also considering a 40R there. The property at McGee has a lot more potential than selling cars. A short term solution right now is to have a stop sign there instead of a yield sign. That lot is owned by a bank, but is not big enough to support a bank.

**Other Items**

1. Memo from Historical Commission regarding 1 Spring Brook Lane
2. Memo from Lou Rodrigues transportation reimbursements  
Chairman Evirs stated that the Town will be receiving an additional \$22,215.74, which is Lakeville's share from the State. The Town will reallocate this when it comes back at the Fall Special Town Meeting.
3. Letter from DHCD regarding Affordable Housing Plan expiration-August 9, 2009
4. Cranberry Country Perspective – July/August
5. Plymouth County Cooperative Calendar of Educational Events-July/August
6. GATRA Fiscal Year 2007 Annual Report
7. DOR Informational Guideline Release-FY09 Waivers to Education Reform Spending Requirements and Minimum Required Local Contributions
8. Letter from Slow Growth Initiative regarding 40B reform
9. Mass Development Solutions newsletter
10. Seminar notices-City Solicitors & Town Counsel Association

Upon a motion made by Selectman Yeatts at 9:35 PM; seconded by Selectman Maksy it was unanimously:

VOTED: To enter Executive Session and not return to Open Session for the purpose of discussing pending litigation and strategy regarding contract negotiations with the Police Union. Polled vote: Selectman Maksy - aye, Selectman Yeatts - aye and Selectman Evirs - aye.