

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**August 22, 2011 - 6:30 PM**

On August 22, 2011, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Olivier at 6:36 PM. Selectmen present were: Selectman Olivier and Selectman Belliveau. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. James Cosgrove was recording for Comcast and Cindy Dow was recording for The Middleboro Gazette.

**6:30 PM Meet with Ross Perry from SRPEDD and Police and Fire Chiefs regarding Regional 911 Feasibility Study**

*Ross Perry from SRPEDD, Frank Alvilhiera, Police Chief and Daniel Hopkins, Fire Chief were present for the discussion.* Mr. Perry explained that the Town has received a grant from the State, which will be paid for from cell phone lines and wireless service fees on users' phone bills. The grant was received when public safety officials agreed to study potential enhancements to public safety and cost reduction opportunities. The State pays a lot to bring 911 services to each dispatch, so they are looking to regionalize and save money and provide quicker response times. By consolidating dispatch services, this could actually help dispatchers as now the caller identification information can be lost when it relays from one dispatch to another. It has been found that each community is understaffed, yet across the region, dispatch is overstaffed. It has also been found throughout the communities that there is not a formal supervisor that is trained in dispatch or supervising dispatch. The training varies across the region, and many communities cannot afford to send people to be trained. Mr. Perry said facilities are varied throughout the State, so dispatch can easily get disrupted. The dispatchers are the administrators for the police station. They do a lot of paperwork and answer calls from residents, which is a good use of their time, but it distracts them from the actual 911 dispatch.

Mr. Perry said that two (2) recommendations have been put forth by GeoComm, an industry expert, who provided team members with many years of hands-on public safety experience, including designing, implementing and operating dispatch centers of all sizes. With the data that was collected and interviews that took place, along with the meetings that followed, the following recommendations came out of the 911 Feasibility Steering Committee. The first recommendation is that the Southeast Region move forward with a phased approach, with the first recommendation consisting of establishing a regional public safety governance structure that is representative of all area agencies to help address these issues. The second recommendation is to form or utilize an existing regional administrative agency to facilitate and drive the following programs: 1. Develop a regional training program that includes establishing best practice standards, arranges convenient training programs and locations, tracks individual dispatcher certifications, and facilitates grant funding to cover expenses. This will increase the professionalism of area dispatchers with uniform skill levels and the availability of highly trained individuals that can work across the region; 2. Design and implement a regional Computer Aided Dispatch (CAD) System to improve information exchange between public safety departments and ensure that local details often in "the head" of a veteran dispatcher can be available to all dispatchers; 3. Investigate and apply for grant funds to implement a regional trunked radio

system. The system would conserve radio spectrum, while providing rapid and very flexible interoperability across the region. It should be based upon the national Project 25 digital radio standard, which will allow interoperability between various vendor radios, as well as, backward compatibility with analog radio systems; and 4. Coordinate and update caller address location information between MSAG, ALI, and GIS data bases. This will ensure that more accurate caller location information is passed to dispatchers and first responders, enabling faster response to emergencies. These improvements will be required when the current 911 system is upgraded to the NG-911 system that is expected in 2013. When the above four (4) steps are implemented, the communities may decide that full consolidation into the two (2) Regional Emergency Communication Centers (RECCs) as recommended by GeoComm, is a logical and beneficial fifth step.

Selectman Belliveau noted that the cost is \$239,000 right now and there will be an estimated savings of \$105,000. Where does the \$239,000 come from? Mr. Perry responded that towns were polled and that figure came from their numbers. This is for three (3) full time and six (6) part time dispatchers. Chief Alvilhiera stated that his Department costs are \$118,000, including his current 911 grant. He stated that he has three (3) major issues with the program. Several towns have opted out, so that would mean that the costs will be higher for the remaining towns. Chief Alvilhiera stated that he is also concerned about officer safety. It is understood that there would be call takers and dispatchers, so, now there would be many officers with not as many dispatchers. Also, the local knowledge of the dispatchers will be lost. Lakeville will be able to listen to its own 911 calls, but will not have the capability to respond since the call will go into the RECC center. The current cost for personnel is \$118,430 with no police officers. Unemployment costs would increase since the Town would have three (3) full time employees laid off. All new systems will be needed since a uniform system will need to be in place. There is also the cost of closing the station, alarming it, and shutting it down to consider. Lakeville is a lock up as well and the dispatchers check on the prisoners every 15 minutes by law. So, there would be \$80,000 in additional overtime to call in an officer at a four (4) hour minimum. Lakeville has to have to have two (2) officers on the road according to the contract, and if they have to come in to the station, then that is a potential issue also. A good alarm system will be needed for the Police Station with the narcotics and firearms that are stored there. The public would not be able to come in for paperwork copies that they need after work hours. Chief Alvilhiera said there are also other times when people come into the station for assistance, and we would not be able to service them if closed. Lakeville will be put in with Dartmouth and New Bedford, and he was concerned that Lakeville will potentially be lost in the shuffle with the surrounding larger towns with more involved needs. He felt that closing the Police Station will hamper the Department's operations. Chief Alvilhiera stated that though he does not agree 100% with this program, he does like the training aspects. His dispatchers follow all the 911 protocol; they go to classes and stay up to date. Mr. Perry stated that the program would want existing dispatchers to come forward with their local knowledge. It is also hoped that when someone is hired, they would pick up local knowledge.

Chairman Olivier stated that he would like to see more data about the cost. What struck him was the priority authorization of calls. Lakeville will be getting pushed down on the priority list, and this could be a problem and is introducing some risk. He asked if the grant money was earmarked for such things as future training and infrastructure. Mr. Perry responded that it

would be to offset operating costs. It is expected that the cost of installing the regional radio system would be somewhere between \$4 to \$20 million. It will need to be specific, and it is expected that the State will pick up this cost. Mr. Perry hopes that Lakeville would opt for the first recommendation at least and consider more of the phases or look to consolidate. Ms. Garbitt asked if the Town does the training and then decides later to participate, could the Town opt in then. Mr. Perry responded that he would assume so. A follow-up implementation plan can be done. There is merit in cost savings and overall safety in the plan, but it is still a local decision. Chief Alvilhiera stated that he would like to go forward with the training.

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

VOTED: To participate in the Regional Training Program.  
Unanimous in favor.

### **7:00 PM Meet with Cable Committee to discuss forming either an Access Corporation or Town Department**

*Donald Foster, David Curtis, Sheri Colucci, James Longo and Jose Invencio of the Cable Advisory Committee (CAC) were present for the discussion.* Mr. Curtis said that the attorney for the CAC, Peter Epstein, was not able to attend the meeting, but a good deal of the information must be provided by him. Mr. Curtis explained that with the current license, the Town is only receiving 1% annual earnings from Comcast. The CAC is negotiating for 4% for the upcoming contract, since Comcast will not be running the studio. That will be the funding for the Town to operate its own cable studio. Mr. Curtis said the CAC is not looking for a decision this evening from the Selectmen. The CAC is looking to present information to the Selectmen for their consideration. The funding that will be available, if the license with Comcast is done the way that the CAC is requesting, would cover the funding for the necessary personnel. Mr. Curtis did not feel that a full time employee would be needed. Mr. Curtis noted that the PEG funds are legally restricted and not available to be spent on the studio. Ms. Garbitt asked if Attorney Epstein could provide a list of communities that have formed Access Corporations and those who developed a Town Department. Chairman Olivier stated that this would be placed on the next agenda for more discussion.

Mr. Curtis said that the CAC had received an email from someone who is concerned about the local programming since Lakeville residents are no longer able to see Middleborough cable programming. He explained that Middleborough has formed a Town Department to handle the studio. Mr. Curtis said the CAC has met with the Library Trustees to discuss using a small space over at the Library. Perhaps a small room could be used for a studio shoot, if necessary. Mr. Foster explained that there would be a slight modification to the meeting room door so that the studio area would be available at any time and be more accessible to the community. Mr. Curtis stated the next meeting with Comcast was September 13, 2011, and he hopes to have more information for the Selectmen after that meeting.

**7:30 PM Meet with Robert Iafrate to discuss Outdoor Second Hand Articles for Sale Permit for Robin Marques and Donald Bernier**

*Robert Iafrate, Building Commissioner, was present for the discussion.* He stated that he had notified the abutters of this meeting and Mr. Bernier, but he is not in attendance. Over the course of the winter and spring, several phone calls were received about the property regarding items on the front lawn. Mr. Iafrate displayed pictures to the Board that he had taken. Mr. Iafrate sent Mr. Bernier a letter and explained to him that the Town had received complaints about his property. He did not receive a response from Mr. Bernier, and Mr. Iafrate did a site inspection. There was more than one (1) unregistered vehicle on the property. Mr. Bernier has picked up an application for a license to sell second hand items, but he has not heard back from him. The bylaw says that there will be no display on the property of second hand articles or junk on the property. It is thought that maybe the items could be displayed in a tent or garage.

Doug Johnson, abutter, stated that the property is a disaster area. He suggested that the Board of Health and Selectmen should look at the property. There are always cars parked at the side of the road near his property, and this is a traffic hazard. Chairman Olivier stated that the Selectmen can set conditions on how Mr. Bernier conducts his operation. Mr. Iafrate stated that this seems to be a perpetual yard sale. There are a lot of sheds that need repairs, as well as, repairs to his house. Kathy Tees of 62 Rhode Island Road stated that Rhode Island Road is not very wide. His property is diminishing the surrounding property values. This matter has been going on for a long time and is progressively getting worse. Chairman Olivier stated that the Selectmen have an opportunity with this application to get the front yard cleaned up at least. Mr. Iafrate stated that with the issuance of a second hand articles license, there can be no items on the front lawn. Mr. Bernier would have to advertise to attract customers. If the Selectmen issue the license, Mr. Bernier will be asked to apply for a home occupation permit. Ms. Tees asked where the parking would be to do this. Mr. Iafrate stated that there will only be three (3) or four (4) cars. Ms. Tees explained that her concerns are the traffic; that the property is an eyesore; the lawn has not been mowed; and the intersection there is very tricky. Mr. Iafrate stated that it might be a good idea to do a site visit and work on some of the items that are bothering the neighbors. Ms. Tees stated that it is cleaner there than it has been, but probably because of the meeting tonight. They started off selling plants for a relay for life years ago, and it has just grown.

Chairman Olivier asked Ms. Tees if the Selectmen issued the permit with operating conditions, would it be acceptable. Ms. Tees asked who would enforce it. Chairman Olivier responded that the Building Commissioner would be in charge of enforcement. Ms. Garbitt said that the Selectmen's Office has not received any complaints on the property, but if Mr. Bernier does not go forward with the permit, we could assess fines. Mr. Iafrate stated that his office received complaints over the summer. Chairman Olivier stated that since it has been brought to light, the Selectmen will have to address it. If the Town continues to receive complaints, he will not be able to have his permit. Mr. Bernier will have to tell his customers where they can and cannot park. Chairman Olivier suggested visiting the site. It was decided that the Board would visit the property on August 23, 2011. This matter will be placed on the September 12<sup>th</sup> Selectmen's agenda, and Mr. Iafrate will request Mr. Bernier be present.

**8:00 PM Meet with James Kenney, candidate for Energy Advisory Committee and Joseph Urbanski, candidate for Water Advisory Committee**

*Joseph Urbanski and James Kenney were present for the discussion.* Both men took the floor and gave a brief background on their experience and reasons why they would like to be on the committees.

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

VOTED: To appoint James Kenney to the Energy Advisory Committee until July 31, 2011.  
Unanimous in favor.

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

VOTED: To appoint Joseph Urbanski to the Water Advisory Committee until July 31, 2011.  
Unanimous in favor.

**Revisit discussion with Town Clerk regarding the sale of online State Hunting/Fishing Licenses**

Chairman Olivier said he would like to ask the Town Clerk to contact the State regarding some of the questions and concerns the Selectmen had regarding continuing to sell State Hunting and Fishing Licenses. He was concerned if the Town would be locked in for a year, if we agreed to sell the licenses on a trial basis. The convenience fee is nominal, but cannot be waived for those 70 years old or over. Chairman Olivier said that many communities are opting out of this as the State has made it unpalatable to continue issuing the licenses.

**Discuss SPREDD FY12 Municipal Assistance for Lakeville**

Ms. Garbitt stated that the Selectmen and Planning Board are each allocated 20 hours every year from the Southeastern Regional Planning and Economic Development District (SRPEDD). Usually the Planning Board will allocate their hours to the Selectmen. Ms. Garbitt feels that the Economic Development Planning services that SRPEDD offers would be beneficial for the Town. She was also considering Expedited Permitting that would be useful for the Lakeville Hospital Site. Dan Sullivan from SRPEDD will meet with the Selectmen to work on Economic Development Planning to make Lakeville more attractive for business, which is the goal. Ms. Garbitt will check with the Planning Board to see if they will allocate their hours to the Selectmen.

**Vote to sign the Election Warrant for Special State Election on September 20, 2011**

Chairman Olivier read the Warrant into the record.

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

VOTED: To approve and sign the Special State Election Warrant for September 20, 2011.  
Unanimous in favor.

Ms. Garbitt said that the Town Clerk is concerned about the Ted Williams Commissary renovations not being ready for the March Primary and April Town Election. She will be mailing out the annual census forms in December, and since she has to notify every registered voter in the Town if she is moving the polling place, she could do that with the annual census. Ms. Garbitt said the Town Clerk estimated an additional \$3,000 in postage costs if the poll change notice is not done with the census mailing. The Town Clerk has asked that this matter be placed on an upcoming agenda for discussion. Chairman Olivier asked that someone from the Park Commission attend a meeting of the Selectmen and give an update about the commissary status.

#### **Discuss Curb Cut requests: 9 Staples Shore Road and 8 Anderson Way**

*Leo Bisio was present for the discussion.* The Board held a brief discussion regarding the placement of the Curb Cut for 8 Anderson Way.

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

VOTED: To approve the Curb Cut at 8 Anderson Way with the conditions as per the Superintendent of Street's letter dated August 10, 2011.  
Unanimous in favor.

The Board held a brief discussion regarding the placement of the Curb Cut for 9 Staples Shore Road.

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

VOTED: To recommend the Curb Cut at 9 Staples Shore Road with the conditions as per the Superintendent of Street's letter dated August 1, 2011.  
Unanimous in favor.

#### **Request for Constitution Week Proclamation from the Daughters of the American Revolution**

Chairman Olivier said that the Board has received a request from the Daughters of the American Revolution to issue a proclamation for Constitution Week. He read the proclamation into the record.

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

VOTED: To proclaim the week of September 17 through September 23, 2011 as Constitution Week and to sign the proclamation.  
Unanimous in favor.

**Vote to accept letter of resignation – David Morwick from Building Feasibility Study Review Committee**

Chairman Olivier read a letter of resignation that was received from David Morwick from the Building Feasibility Study Review Committee.

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

VOTED: To accept the resignation of David Morwick from the Building Feasibility Study Review Committee and to send him a letter of thanks for his time served.  
Unanimous in favor.

Ms. Garbitt mentioned that Mr. Morwick also serves on the Capital Expenditure Committee (CEC). He will be continuing on in that position for now. She told the Selectmen that she still had not received any letters of interest from the public regarding serving on the CEC. She suggested that a change be made to the charge for the CEC or ask for letters of interest again. Chairman Olivier asked that this matter be placed on the next Selectmen's meeting. The reporters were asked to put a notice in their papers regarding letters of interest for the Capital Expenditure Committee vacancy.

**Review and vote to approve Selectmen's Meeting Minutes of March 28, 2011; April 19, 2011; and April 25, 2011**

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

VOTED: To invoke the rule of necessity to approve the Selectmen's Meeting Minutes of March 28, 2011; April 19, 2011 and April 25, 2011 as presented.  
Unanimous in favor.

**Review and vote to approve Selectmen's Executive Session Meeting Minutes of July 25, 2011 and August 8, 2011**

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of July 25, 2011, as presented.  
Unanimous in favor.

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of August 8, 2011, as presented.  
Unanimous in favor.

### **New Business**

Selectman Belliveau asked if Ms. Garbitt had received any hard numbers on the cost savings from the Town Office Building being open only four (4) days rather than five (5). Ms. Garbitt responded that in September, the Town would be on a four (4) day schedule for a time period of two (2) years. The Town is working on the baseline going back to 2008. Selectman Belliveau stated that his concern is that if there is a savings and the Town has to close for a snow day, then the Town is losing ten (10) hours of time, not eight (8). Ms. Garbitt explained that most years, the Town does not close. Last year there was an unusual amount of inclement weather, but the year before it was only one (1) day. Selectman Belliveau stated that he thought some of the Departments are behind and maybe the ten (10) hour work day is not helping. They may be tired from the length of the work day. Ms. Garbitt stated that the 40 hour employees still work till 6:00 PM when the Building closes at 4:00 PM, so they have two (2) hours without the phones interrupting them. When the building is closed to the public, the employees still work. It was an adjustment changing from eight (8) hours to ten (10) hours, and ten (10) hours is a long day. Chairman Olivier stated that employees may have three (3) days off, but if they play as hard as they work and not rest, then they still are tired. Ms. Craig pointed out that the employees use Fridays for their doctor or dentist appointments, so that they do not have to take sick time away from the office. Selectman Belliveau stated that he would prefer to have the office open five (5) days a week for the public. Potential hours were discussed for a five (5) day work week.

Selectman Belliveau suggested placing this on the agenda for the next meeting to give Selectman Maksy an opportunity to discuss this. Further discussion took place on the positives and the negatives of being open a four (4) or five (5) day work week. It was noted that reducing employee hours and reducing energy use was the original reason why the hours were changed and the office closed one (1) day a week. Selectman Belliveau stated that he felt that the building should be open more to the public. This item will be on the agenda for discussion at the next Selectmen's meeting.

### **Other Items**

1. Memo from Board of Health regarding EEE and West Nile positive mosquito samples in Towns around Lakeville  
Chairman Olivier asked if the information regarding EEE and West Nile was on the website. Ms. Craig responded that it was on the home page. Chairman Olivier noted that



it is that time of the year again where people have to be vigilant and reduce their exposure outside in the evening.

2. Letter from EBS Foran

Chairman Olivier stated that the Board will go into more detail on Wednesday, since they will be meeting with Gateway and hopefully they will have some information to share.

3. Notice from Comcast of PEG Semi-Annual payment

4. Greater Attleboro/Taunton HOME Consortium Agenda-August 11, 2011

5. Notice of meeting-Association of Town Finance Committees-October 15, 2011

Chairman Olivier asked if Finance Committee had received a copy of this. Ms. Garbitt responded that they did.

6. Department of Revenue Bulletin-Municipal Law Seminar-October 4, 2011

7. Notice of MMA Kenneth Pickard Municipal Innovation Award

8. Notice of 2011 Open Space Conference-August 20, 2011

Ms. Craig stated that she forwarded this information to Linda Grubb and emailed it to all the Open Space Committee members.

9. Mass Wildlife Advisory regarding Muzzleloader Regulations Change

10. Mass Wildlife Advisory regarding 11 Public Tours of Forest and Wildlife Lands

11. Mass Wildlife Newsletter for August

12. Newsletter from Retired State County and Municipal employees Association of Massachusetts

13. Memo from Conservation Commission regarding Sterling property on Main Street

At 9:05 PM, upon a motion made by Selectman Belliveau; with Chairman Olivier stepping down to second and stepping back up to vote, the Board unanimously:

VOTED: To enter Executive Session to discuss strategy with respect to litigation regarding the GRAIS Agreement because an open meeting may have a detrimental effect on the litigating position of the Board and not return to Open Session.

Polled vote: Selectman Belliveau – aye, and Selectman Olivier – aye.