

SELECTMEN'S MEETING
Monday, August 27, 2007

On August 27, 2007, 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 Evirs and Selectman Maksy. Also present were Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant

Meet with Town Accountant

Cynthia McRae is present for the discussion. Chair Yeatts said she wants a wants proper accounting of Com Rec (Community Recreation). She would like to make a request in writing, per the Public Records Law, and ask for a response in a certain time period. She noted in the past the Board has asked for things, no one ever denies us, but we never get the information. She asked Ms. McRae to get a list of exactly what we should ask for, which is attached. She did not remember seeing the Independent Accountant Report on agreed upon procedures. There are a lot of questions and things we need to ask if the recommendations were done. We should ask about procedures and how they hire people. Selectman Evirs said we should give them a copy of the report, item by item, paragraph by paragraph, and ask what they have done. Ms. Garbitt said we should ask whether any of the recommendations have been implemented. Selectman Evirs asked that the Board have the answers by the September 24th meeting. Ms. Garbitt said we would need the information by September 20, 2007. Selectman Maksy noted that we are asking for questions to be answered, Public Records Laws is for documents. Selectman Evirs said the Board is asking for a response to the Independent Report and wants the financial documents that the report is asking for. Chair Yeatts said the other questions would be answered by saying we want answers to the report. Selectman Maksy said to ask for both; one they will have to respond to us in ten (10) days, but the other we cannot force them to answer in ten (10) days. There is no such law for the answers. He said based on MGL we are requesting #3 from Ms. McRae's letter. In addition, we would like to have these questions answered as soon as possible. Chair Yeatts said we want #3 answered for sure in ten (10) days, and the other answers as soon as possible. 1, 2, 4 and 5 are included in the report. Should we ask for them to just answer everything in the report? Ms. McRae said yes. Selectman Maksy asked who runs this program. Ms. Garbitt said the School Committee, and the Com Rec Director. Chair Yeatts said the report noted that the Superintendent's office should supply supervision. Selectman Maksy said this should be sent to the Superintendent,. and copied to the School Committee. Chair Yeatts said she wants to see the budget figures for FY08 and Trial Balances for the last two (2) years.

It was the consensus of the Board that the following be done: ask for #3 in the audit to be supplied, based on MGL Public Records Law request and ask for the questions in the report to be answered in the same time period. A copy of the report will be sent along with the request to the Superintendent of Schools and the Local School Committee. Also, the Com Rec budget figures for FY08 and trial balances for the last two (2) years will be asked for.

Next item for discussion was the Assawompset roof repairs. Ms. Garbitt spoke to Lou Rodrigues in July and he said they would need the money for the roof payment sometime in September. She told him it would be more economically feasible to bond after September 1,

2007, but if they needed the money sooner, the Treasurer would borrow in July. She got a call from the roofing vendor saying that they needed the check by August 27th. We had not gone out to borrow yet and so we would need to borrow from ourselves. The bill was dated August 10th and we have 30 days to pay a bill. Ms. Garbitt said the Treasurer would prefer not to inter-fund borrow if they were able to wait a few days for payment. We don't go out to bond until September 5, but the money is not available until September 19. So, we do have to borrow from ourselves. The vendor is a small company. However, this creates lots of extra paperwork to borrow from ourselves, then pay it back.

Selectman Evirs asked about the progress on the roof. Ms. Garbitt said it will be 100% complete by August 31st. Chair Yeatts said the Town will hold back a percentage until the punchlist is completed. Ms. Garbitt said the amount was \$422,000 for the bid, we will not release the whole amount until the punch list is completed. Ms. Yeatts said that everything needs to be documented in writing. Selectman Evirs asked what the contract indicates. Ms. Garbitt said it is not clear. Ms. McRae said there was a letter to proceed. Selectman Evirs said if there are no standard payments, everything should be finished prior to paying. Ms. Garbitt said if we had known about the need for the money earlier, we would have included it into the last borrowing in July. They said they didn't need the money. Selectman Evirs asked if the proper paperwork was submitted. Selectman Evirs asked about a retainer. Ms. Garbitt responded we are holding the retainer. Ms. McRae said the amount was \$352,000 plus retainer. Selectman Evirs asked if on August 10th they requisitioned for far more than what work as done. Ms. McRae said the roof is substantially complete. We have done two (2) progress payments. They are working on the last part of the project. Mr. Rodrigues has said it is almost substantially complete. Selectman Evirs asked if this figure included the two (2) progress payments. Chair Yeatts said they were paid \$152,300 on August 3rd and the request for \$198,000 was not properly filled out. Ms. McRae said they were trying to expedite the payment.

Chair Yeatts spoke about the lack of communication with the School Department. Selectman Maksy asked what is the process to do this? Chair Yeatts said it is not the roofing company's fault. Selectman Evirs said the contract did not specify payments. Mr. Rodrigues should have said that there would be payments as time went along. We save a little money by not borrowing sooner. Selectman Evirs asked if an engineer was going to inspect the roof for the Town? Selectman Maksy said he thought someone in house was going to look at it. Chair Yeatts said from now on, casual phone calls are out. They need to do it in writing or by email and leave a paper trail because phone calls are not working. Selectman Evirs said that a payment of \$352,000 would account for approximately \$390,000 if you hold back 10%. They have not requisitioned for the final \$31,000. Ms. Garbitt said we are only paying \$352,000. Ms. Garbitt said this form would authorize the Treasurer to borrow \$400,000 on behalf of the Town. Selectman Evirs said he was concerned that the retainer will not be held back. Ms. McRae said she will hold back 10% retainer.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To authorize the Treasurer to advance funds in lieu of borrowing for \$400,000.
Unanimous in favor.

Meet with Cable Commission

Chair Yeatts announced that the meeting with the Cable Commission has been postponed.

Request to appoint Joseph Beneski to ZBA as full member

Chair Yeatts said that the Board had been requested previously to appoint Joseph Beneski as a full member of the ZBA. He has cleared up any issues with the Ethics Commission as requested. She noted that this was to fill the vacancy created by Bob Canessa and that Mr. Beneski was the next Associate Member in line.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To appoint Joseph Beneski as a full member of the Zoning Board of Appeals for a term to expire July 31, 2010.
Unanimous in favor.

Selectman Maksy noted that the Board did receive a letter from the State Ethics Commission regarding Mr. Beneski being employed by the Town and being on the ZBA, and they said there was no conflict. However, this is a confidential letter. Chair Yeatts said if someone wanted to see it, they would need to ask Mr. Beneski to release it.

Request to appoint Paul Enos and Darcy Lee as Assistant ACOs

Chair Yeatts noted that it was requested that the Board appoint Paul Enos and Darcy Lee as Assistant Animal Control Officers (ACO). Selectman Maksy asked how many do we have? Ms. Garbitt said six (6) including these two (2). Selectman Evirs asked if they would be paid the same as the others; Ms. Garbitt responded they would. She stated that we were in need of Assistant ACO's that were available during the day in case David Frates was ill or wanted to take vacation time. Our other Assistants could not cover daytime hours. Selectman Maksy asked if they would be eligible for Plymouth County Retirement. Ms. Garbitt said they will be vested after ten (10) years. Selectman Maksy was concerned about an Assistant ACO working in this position for 20 years, take this time and go get a state job and then retire. Ms. Garbitt said she hoped that at some point that we could have a regular Assistant ACO. However, that would involve offering the employee health insurance. Selectman Evirs said that the place where someone retires from would get hit with the pension. Selectman Maksy said then it could be us. He would rather see one (1) assistant.

Selectman Evirs pointed out that by having Assistants, it is far less funding this method than funding another full time employee. Chair Yeatts said she understood the need to appoint these individuals. They are more flexible. However, she thought the total number needed to be pared down. Ms. Garbitt said the reason for the number of assistants is that most cannot cover days, only evenings and weekends. Chair Yeatts asked why they couldn't cover? Selectman Evirs said that they have regular jobs. He added that Assistant ACO's do not get paid if they are not on the clock. They are only paid when they are on shift. Chair Yeatts asked about Jared Darling filling in for David? Ms. Garbitt said he works with his father. Chair Yeatts asked how the

positions were advertised. Ms. Garbitt said they were placed on the Town's website and posted in Town Hall. Ms. Garbitt said her goal is to hire an assistant with regular hours and benefits. For the short term, this is the answer. Selectman Maksy asked about using a Highway Department worker to fill in. Ms. Garbitt said they were asked, but no one is interested.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To appoint Paul Enos and Darcy Lee as Assistant Animal Control Officers for a term to expire April 30, 2008.
Unanimous vote.

Request to rescind previous appointments and reappoint-Aaron Best-Robert Porazzo Jr.

Chair Yeatts noted that the previous appointments of Aaron Best and Robert Porazzo, Jr. as call firefighters/EMT's as they are not EMT's. They will need to be reappointed as Call Firefighters.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To rescind the appointments of Aaron Best and Robert Porazzo, Jr. as Call Firefighters/EMT's.
Unanimous vote.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To appoint Robert Porazzo, Jr. as a Call Firefighter with a one-year probationary period and a term to expire August 27, 2008.
Unanimous vote.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To appoint Aaron Best as a Call Firefighter with a one year probationary period contingent upon the successful completion of a department approved physical examination and a PAT test for a term to expire August 27, 2008.
Unanimous vote.

Request for temporary license for sales trailer

Chair Yeatts read the request for a temporary license for a sales trailer at Kensington Court at Lakeville Station. Ms. Garbitt said that the Town does not have a set policy regarding construction/sales trailers. She thought that perhaps a policy should be set. Selectman Evirs said we should issue permits and keep track of inventory. This could be used as a vehicle in case a project stops, we could remove the trailer. Selectman Maksy asked about setbacks for that zone. Chair Yeatts said that they will want it right in the front so you go into the sales trailer before going into the site. Selectman Evirs said you don't want to be too close to the construction. Selectman Maksy said that we don't want someone parking on the street. Chair Yeatts said there

are four (4) parking spaces shown on the plan. Selectman Evirs said it we held to the front yard setback. Selectman Maksy felt some setbacks should be established. Chair Yeatts said we can make a condition that there be no parking on the street. Selectman Evirs stated that this is a private street, they can park wherever they want. There will be all sorts of activity going on. Ms. Garbitt said that cars get towed in the no parking areas in the MBTA parking lot; a different company tows on the street. Selectman Evirs asked who monitors parking. Ms. Garbitt said the MBTA. Chair Yeatts asked if the Board wanted to reserve the right to revisit the permit if there are future problems. Selectman Maksy said we should have a general policy with setbacks. Chair Yeatts said the Board reviews each one individually. Different sites have different logistic problems. Selectman Evirs said they have given us a plan that shows the location, they are looking at safety in regards to construction.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To approve the request for a Temporary License for a sales trailer for Kensington Court on Commercial Drive.
Unanimous in favor.

Selectman Maksy thought that perhaps 8.7.3 in the Temporary permit bylaw should be amended. Ms. Garbitt thought a separate section 8.7.4 should be created. Chair Yeatts asked that a letter be sent to the Planning Board regarding this. Ms. Garbitt said previously we worked with Town Counsel on a recommended by-law, the Selectmen would vote on the proposed by-law and then we would forward it to the Planning Board for their recommendation. Chair Yeatts said that we should follow that procedure.

Request for signs-Lakeville Arts Council

Chair Yeatts read the request from the Lakeville Arts Council regarding placing signs for advertising in Town. Ms. Garbitt said their event will be placed on the community sign. Selectman Evirs noted that the festival takes place at the intersection. You can have a sign on the property that the event that is being held on. He was concerned with the size of the sign for Pickens and Precinct Street as it is a bad intersection. If it is too large, it could get in the way of traffic. He asked that Chris Peck and Mark Sorel be involved in the placement of the sign for traffic concerns for the island. He thought that Sedells might be a good location and suggested also the entrance to Ted Williams Camp. He also spoke of the 50 small signs being placed on private property. They would not be allowed on public property or at intersections, but should be placed on properties of people that are involved in the Festival. Selectman Evirs said that we need to fix our sign bylaw so that people that want to show their support for an event can do that. We do not have anything in the bylaws that allows that for temporary signs. They should be allowed so many weeks or days prior the event, down so many hours afterwards. He noted that there were still a few triathlon signs up. Ms. Craig would call Mr. Averill regarding the signs.

Upon a motion made by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To approve the request of the Lakeville Arts Council to place signs at the intersection of Pickens and Precinct Street (same sign as last year) and on Sedells

pharmacy and allow placement on small signs on Festival supporter's properties. They are to be placed two weeks prior to the event and down the next day.
Unanimous in favor.

Approved Executive Session minutes

Upon a motion by Selectman Evirs, seconded by Selectman Maksy, it was:

VOTED: To waive the reading of and approve the Executive Session minutes of August 8, 2007.
Unanimous vote.

Other Business

Chair Yeatts passed out an agenda and a press release regarding the Casino Task Force on Casino Impacts meeting at the Statehouse today. She said it was a great meeting. There were nine (9) representatives. She said that Secretary O'Connell was very receptive. We were not advocating for or against the casino, just issues affecting the 17 communities. We had items on our concern list that weren't on his. His didn't speak about the Plymouth Airport. There is a master plan for that airport and they felt it would use up their space. I brought up night sky, he had not considered that at all. Plympton has the best night sky in the State and that would be affected. He would bring that to the Governor's attention. He agreed that we should get a seat at the table. He had already forwarded our Statement of Concerns to the Governor. We got a feeling that it is not as much as a done deal as the press keeps implying. They are going to look at it. We did speak of independent studies. A lot of the studies have been funded by the Indians. SRPEDD and OCPC were also there. Everything has to be looked into a lot more carefully. If its still a Class 3 gambling casino, then its not legal in Massachusetts. He said we would keep in touch. We need to wait and see what the Governor comes up with around Labor Day. He agreed with this having a regional impact and that all the issues we brought forward need to be considered. The next regional meeting is September 12th at 7:00 PM at the Library.

Selectman Evirs said he attended the retirement party for Pat Curneen. He felt it would be remiss if we do not recognize Pat Curneen for his time of service. We should invite Pat into a meeting and recognize him. Ms. Garbitt said she is working on a proclamation.

Other Items

1. Letter regarding Highway Department tree removal
Selectman Maksy read the letter into the record regarding the Highway Department. Ms. Garbitt said there are a lot of oak trees that need removal.
2. Letter from MBC Development regarding Natural Heritage Agreement
Selectman Evirs said it was good to have this in writing and be acknowledged.
3. Letter from the Town of Whitman regarding Casino Representative
Whitman designated their Representative to the Regional Task Force. That brings the total of 300,000 residents in population being represented by the Task Force.
4. Letter from Field Engineering – Response to comments-ENF – Route 79 Relocation

5. Letter from Executive Office of Transportation regarding infrastructure
6. SRPEDD meeting notice – September 11, 2007
7. Memo from Southeastern Massachusetts Commuter Rail Task Force
8. Notice regarding Taunton River Watershed Day
9. Mass Wildlife News
10. Notice from Bridgewater State College-Community Development Program
11. Notice from MEMA – upcoming workshops
12. MMA notice-Statewide Essay Contest for 6th Graders
Chair Yeatts would like to go speak to the 6th graders regarding the essay contest. The deadline is October 26th. Ms. Craig will send for the packet now and Chair Yeatts will call the school.
13. MMA notice – Kenneth Pickard Municipal Innovation Award Program
14. DOR Bulletin-Sewer Rate Relief Fund FY08
Selectman Maksy asked if that affected us for the future? Chair Yeatts said maybe in the future. Selectman Maksy said we do have some residents that are on municipal sewer, does it have to be our system? Ms. Garbitt said it would be the municipality that owns the line.
15. DOR IGR – Guidelines for Annual Assessment and Allocation of Tax Levy
16. DOR IGR – Determining Annual Levy Limit Increase for Tax Base Growth
17. Notice from Suburban Coalition regarding membership

At 8:13 PM, upon a motion made by Selectman Evirs and seconded by Selectman Maksy, the Board:

VOTED: To enter into Executive Session and not return to Open Session for the purpose of discussing pending and potential litigation. Polled vote of Selectman Evirs – aye, Selectman Maksy – aye and Selectman Yeatts – aye.
Unanimous in favor.