

SELECTMEN'S MEETING MINUTES

Monday, August 31, 2009

On August 31, 2009, 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 Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Meet with Haunted House Committee Members

Debbie Johnson and Dianne Garbetti from the Haunted House Committee were present for the discussion. Also present were members of the Park Commission. Ms. Johnson told the Board that this year, as like last year, there will be no hayride. There will be a walking tour. The event will take place on three (3) weekends and one (1) extra night. The Committee has received approval from the Police and Fire Departments. The liability insurance has been renewed and the Park Commission has a copy. The admission price will be \$13 per person, which is the same price as last year. There is a \$3 off coupon on the Haunted House website for the first two (2) weekends. Selectman Evirs requested that the signage be the same as last year. Ms. Craig added that the Haunted House Committee has asked for the event to be placed on the community sign at the Town House. Ms. Johnson stated that they are holding adult volunteer signups on Wednesdays from 6:00 to 8:00 PM at the Camp. Discussion occurred regarding fitting in the event on the community sign with upcoming Town events.

Request from Fire Chief to declare 1976 Maxim Aerial Truck as Surplus Property

Daniel Hopkins, Fire Chief, was present for the discussion. Chairman Maksy read the letter from Chief Hopkins requesting that the Board declare the 1976 Maxim Aerial Truck as surplus property.

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

VOTED: To declare the Fire Department's 1976 Maxim Aerial truck as surplus property once the newly acquired ladder truck is certified.
Unanimous in favor.

Review request from Fire Chief to donate 1976 Maxim Aerial Truck to Sherman Volunteer Fire Department

Daniel Hopkins, Fire Chief was present for the discussion. Chief Hopkins stated that he would like to donate the surplus 1976 Maxim Aerial Truck to the Town of Sherman, Maine Volunteer Fire Department. This Fire Department serves quite a few towns in that area. Selectman Evirs read the letter from the Sherman Volunteer Fire Department into the record. Selectman Yeatts asked what the Town's liability would be if the truck gets up there and the ladder breaks? Selectman Evirs responded that it will be their responsibility to get the ladder certified. Chief Hopkins stated that the truck has been certified every year that the Fire

Department has owned it. It used to be a four (4) section ladder truck and now it is a three (3) section ladder truck.

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

VOTED: To donate the 1976 Maxim Aerial Truck that has been declared surplus to the Sherman Maine Volunteer Fire Department. They must come to Lakeville to pick the truck up. If the Town of Lakeville cannot donate it, then it will be sold to them for \$1.
Unanimous in favor.

David McQueeney asked if the truck has a value. How can the Town give things away when it is in such financial straights? Mr. Hopkins responded that the Town could put the truck on eBay. However, the truck is only a 75 foot ladder and would be going to a community that desperately needs it. Chief Hopkins said that Fire Departments typically reach out to other communities to donate surplus equipment. In the past, Lakeville has received surplus equipment from other communities. Selectman Evirs added that the truck is a 45 year old piece of apparatus, and most Towns would not even consider having it in their fleet. If the Town held on to it, it might just rust away. Keiko Orrall asked if anyone knew what the value of the truck was. Chief Hopkins responded that this truck was purchased eight (8) or nine (9) years ago, and the Town paid \$5,000 for it.

Review request from Fire Chief for Transfer from Reserve Fund

Daniel Hopkins, Fire Chief, was present for the discussion. Ms. Garbitt stated that the Town voted \$50,000 at the Annual Town Meeting to be placed into the Reserve Fund. Chief Hopkins is asking for \$2,552.50 to be transferred into his budget. Chief Hopkins explained that the Town received \$59,970 in Federal Grant Money for the installation of the Plymovent ventilation system for the Fire Station. The Fire Chief was requesting \$2,552.50, which was our matching share of the cost of the system.

Review request from Fire Department to acquire 1997 Surplus School Van

Daniel Hopkins, Fire Chief, was present for the discussion. Ms. Garbitt stated that the School Committee declared the 1997 School Van as surplus. Since it is a Local School Department van, the Board of Selectmen has to declare it as surplus.

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

VOTED: To vote the 1997 GMC van with mileage of 330,166 miles as surplus.
Unanimous in favor.

Chief Hopkins would like to have the van to use as a SCUBA Dive/Rescue vehicle. The Fire Department will paint it and place racks on it.

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

VOTED: To award the surplus 1997 GMC van with 330,166 miles to the Fire Department.
Unanimous in favor.

At 7:25 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs, the Board

VOTED: To enter into Executive Session to discuss the Collective Bargaining Agreement with the Fire Department and to return to Open Session.
Polled vote of Selectman Yeatts – aye, Selectman Evirs –aye, and Selectman Maksy – aye.

The Board then exited the Selectmen's Office into the Conference Room. The Board of Selectmen returned at 7:34 PM and called the meeting back to order.

Discuss Proprietary Specifications, Permit fees and Design of Water Storage Tank

Selectman Yeatts stated that the Board has to vote on a few items pertaining to the water storage tank. Selectman Evirs stated that he had read the documents prepared by Camp, Dresser & McKee (CDM) regarding the specifications for the water storage tank and was fine with them. However, he had seen one (1) water tank that had to be repainted on the outside and that was costly (\$620,000). The type that the Board is considering does not have to be painted outside. If it is \$620,000 just to paint the outside, just that alone should offset proprietary. It is also expandable and can have rings added to it down the road. This is the same tower that they have in Norton, but theirs is only 350,000 gallons.

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

VOTED: To endorse the Proprietary Specifications for the Water Tank Procurement subject to Town Counsel's approval.
Unanimous in favor.

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

VOTED: To waive all permit fees (building, plumbing, electrical, etc.) for the water storage tank, pumping station and water line extension.
Unanimous in favor.

Selectman Yeatts stated that to make the water tank as unobvious as possible, blue is the better color to go with since it is up against the sky. There are two blues, sky blue and cobalt blue. Discussion then took place on the stripe and if it is extra or a maintenance issue. The Board will go with cobalt blue, and the tank will be lettered to say Town of Lakeville. There will be a flag painted on it as well, if there is no expense associated with that. Selectman Evirs stated that he would like to see the lettering on the tank more than once. Selectman Evirs

suggested to maybe just have it lettered to read Lakeville, MA. Then, have a white stripe above and one below the lettering.

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

VOTED: To paint the water storage tank cobalt blue with Town of Lakeville lettered on it and one white stripe above and one stripe below the lettering.
Unanimous in favor.

Discuss recommendations regarding four day (4) work week

Ms. Garbitt stated that on August 13, 2009, she and Selectman Evirs met with Town Department Heads to get their input on a four (4) day work week and opening and closing times. It appears that Monday through Thursday would work best. The Treasurer/Collector's Office would actually be open two (2) hours more. The other Departments would be open one (1) more hour a week and that would help accommodate residents before they go to work. The Library originally cut their hours back, but they are now closing all day on Fridays, so all the Town buildings will be closed the same day of the week. This would not apply to Highway, Landfill, Custodial, Animal Control, Police and Fire Departments.

Selectman Yeatts stated that she really wants to see some savings out of the Town Office Building account. The Town also needs to get programmable thermostats for the Town Office Building so that the temperature can be set lower at night and on the weekends in the winter to save oil. Ms. Garbitt stated that she does have one (1) programmable thermostat. Chairman Maksy noted that the only thing about a programmable thermostat is when they fail, you find out three (3) days later. They can be complicated so you really just need one (1) person operating them. They should actually be programmed to begin shutting down about noon on Thursday. Selectman Yeatts stated that the custodian should be able to do that. Mr. Olivier stated that he thinks there are units that have an alarm that would go off and call someone if the temperature got too low or too high in a building. Ms. Garbitt noted that there are seven (7) thermostats in the Town Office Building. Chairman Maksy suggested looking into computerized thermostats that run through one (1) server rather than several thermostats. Selectman Yeatts stated that she did not mind how it took place, as long as the Town can realize some sort of savings in energy.

Selectman Yeatts stated that she wanted to talk about the two (2) part time clerk positions in the Selectmen's Office (Planning Board Clerk and Landfill Clerk). The Landfill Clerk has been restored through the Landfill budget. Selectman Yeatts attended a Planning Board meeting and requested that they fund the Planning Board Clerk position two (2) days a week for seven (7) hours each day. The Planning Board agreed to fund the position, and if there is not enough Planning Board business, then she can work on Selectmen's business. Selectman Evirs noted that there is no other place for a desk, so that is why they are located in the Selectmen's Office. That allows the Clerks to answer the phone if Ms. Craig or Ms. Garbitt are not available. The phone call might actually be Landfill or Planning Board Business. Selectman Evirs noted there is no internet access at the Landfill and the restroom facilities are not really suitable for a woman. Selectman Yeatts noted that these Clerks' primary jobs are other than Selectmen's work. However, if they are done with their work and Ms. Garbitt needs help, that would be fine.

Ms. Garbitt noted that the funds for the Planning Board are coming from their agency account, and they are allowed to use the funds for wages. The Town can charge the Landfill back for Administrative Fees. Selectman Evirs added that the Clerks are not here at the same time. They share the desk and they share the computer.

Selectman Evirs asked how the Holiday Schedule was impacted by closing the building on Fridays. The holidays on Monday through Thursday will remain the same. However, there are others like July 4th, Christmas, or New Year's Day that could fall on a Friday, so they will have to be modified. Ms. Garbitt stated that she is already looking into that. Selectman Evirs stated that Wage & Personnel may have to go back and revote holidays on Fridays since the building is now closed that day. The Board of Selectmen can vote the four (4) day work week, but Wage and Personnel has to refigure the holidays. Ms. Garbitt stated that the Assessors have not voted on the four (4) day work week, but she is recommending that they be open for four (4) days. Currently they are closed to the public on Wednesday. Selectman Yeatts stated that she does not agree with the Assessors Office being closed on Wednesday and Friday. Selectman Evirs stated that he agreed with Selectman Yeatts. Chairman Maksy stated that the Town needs to be open to the public.

Ms. Orrall stated that she liked the idea of closing the buildings on Monday since holidays are typically on Mondays. Does anyone know what the cost savings will be? Ms. Garbitt noted that several Boards meet on Mondays so that might not be practical. Chairman Maksy said this is a temporary thing that the Board is trying. Selectman Evirs stated that the budget is making this happen. Right now the Town has different Departments closing to the public at different times and on different days. That is making it difficult for people coming in to try and do various things. It is taxing the entire operation and making it all inefficient, and this standardization should make all more efficient. Chairman Maksy said this also might help with inter-department work if all Departments are open the same days and times.

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

VOTED: That on September 14, 2009, the four (4) day work week will become effective for a trial basis. The Wage and Personnel Board is charged with looking at the Holiday Schedule.
Unanimous in favor.

Review request from Superintendent McCarthy regarding additional staffing at Assawompset School

David McQueeney, School Committee Chairman, John McCarthy, Superintendent of Schools, and Cynthia McRae, Town Accountant, were present for the discussion. Superintendent McCarthy stated that he knew that these are very challenging times, but this is an issue that is extremely important to us. In the letter he sent to the Board, he referenced a class size study that was done in another State. Superintendent McCarthy then distributed the study that follows children from Kindergarten through High School to the Board. The study tracked how children perform in High School and beyond and it is one of the most compelling research studies on class size. The study showed that the lowest class sizes need to be in Kindergarten through

Grade Three, and it is backwards in Lakeville. The Town will get the biggest difference down the road educationally if class size is smaller at these grade levels. We do not have the ability to direct the funds to a more regional approach, but if we did, this is one of the last things that we would do. One (1) class is actually at 33 students in First Grade. We will not know until Wednesday what our actual numbers are, but it is approaching 32, 33 to 35 students in a classroom. It is also approaching too many children on the buses. The short term answer requires money. The long term answer is a structural problem, how to approach a budget for Kindergarten through Grade 12 regionally. Where would the money have the biggest impact. In High School, class size does not make that much difference. What will make the difference is in Kindergarten through Grade 3. The longer this continues, the bigger the effect this will have. It will have a devastating impact on the school system down the road. Mr. McQueeney noted that even in classes where you have Individual Education Plan (IEP) students and paraprofessionals, there are still 28 kids in a class. That is a big number for classrooms with Special Ed students. Freetown is dealing with the same thing with 30 plus kids. This would never happen if we were dealing with this regionally. Mr. McQueeney stated that you can look at districts that have the same total budget and he will almost guarantee that they do not have elementary class sizes anywhere near Lakeville. It is not a matter of more resources; it is how the resources are used.

Mr. McQueeney stated that the School Committee understands that the Town has contributed over Net School Spending (NSS) for the elementary school, but the numbers do not work. We have a serious problem, and we have failed our schools by having 33 kids in a classroom, so we are asking for your help. He knows it will take a Special Town Meeting to re-appropriate the funds. The School Department would like to use some of the \$1.3 million from the Water Tower Fund to accomplish this, if that could be done without jeopardizing that fund. Chairman Maksy stated that regardless of where it comes from, you need \$137,000 plus benefits. Superintendent McCarthy stated that this will bring back three (3) teachers (one (1) teacher for each grade level in Grades 2, 3, and 4) and bring class sizes down to 23-24 students in that range. It does not solve problems long term; it just solves the immediate problem. More money will need to be spent on Special Education, and you will feel it in just one (1) year. If this continues, you will feel it with lower MCAS scores and Special Education costs rising.

Chairman Maksy stated that this is an unusual request since the Town has a big staffing problem at the Police Department due to layoffs. Selectman Yeatts stated that she really still feels that regardless of regionalization, the Regional School Committee had the opportunity to stick within their budget or make a budget that did not include using \$700,000 out of the Excess & Deficiency (E&D) account. She believed that the Region should have lowered Lakeville's assessment and bit the bullet like we all have. \$137,000 plus benefits is a problem, it is more like \$200,000. Our immediate problem is our residents' safety. This study is old and was performed in Tennessee. Superintendent McCarthy stated that it is still considered the most comprehensive study out there, since unlike many studies it was able to follow students through to graduation and beyond. That is why it is still used extensively. It is a well known study and there are many others you can also find that all draw similar conclusions.

Selectman Yeatts stated that by using money appropriated to the Water Stabilization Fund would not only jeopardize Lakeville's future, but to use one time money that would not be available next year would not be fiscally responsible. She is sure that there might be some places

to get other money, but she does not want to do a one (1) time deal and jeopardize that future funding by selling off our water fund. Our State Revolving Fund loan is not secured yet, and she would certainly never vote to use the collateral before we get the loan. We need to get that loan. Selectman Evirs said he agreed with Selectman Yeatts. We all know that the money came in due to the contamination of the well for the Town Office Building. It will cost almost \$600,000 to extend the water line to this building and that is at today's dollars. We cannot do that until the water tower is up and in place, and the Town files with the Department of Environmental Protection to get permission to extend the water line. That is two (2) to three (3) years down the road. It could easily go up another \$200,000 or so. We have used money related to the engineering fees from that account and it would be shortsighted of us to not fix the contamination that is here. Chairman Maksy noted that Superintendent McCarthy may not know about the water contamination. Selectman Evirs explained the history of the contamination and the class action suit that had taken place. The Town was approached to get involved, at no cost to the Town, without having any idea of what the monetary payout would be. It turned out to be \$1.8 million. We have the money now to fix the contamination, and it would be very short sighted of us to spend it on anything else. Over the past five (5) years, we have spent one (1) time money that we probably shouldn't have since we expected the economy to go another way. The water tower will help spur commercial development. We can charge user fees and collect betterment fees as authorized at Town Meeting.

Selectman Evirs appreciated what everyone was saying. He said this is a bump in the road and in a few years, hopefully we will get over this bump, but we cannot raid monies. We have problems in other Departments and we listened to their pleas working on the budget. We had weeks of budget meetings and it was exhausting. We heard the pleas from residents and officials for an override and we went ahead with the election. We gave the voters two (2) options and both were overwhelmingly defeated. The decision was made at the polls and that is where we have to look. It is very disturbing that we have only one (1) police officer on the road at night. The other person has to answer the phones for 911. Everyone else can argue just as loudly and strongly for their Departments. We cannot use money to feed one (1) Department when others need to be fed as well. The School Committee has the same charge to find the best education for the students, and they have the same framework to work within. We are all strapped and to look at any one time monies that have been locked into our future is not a positive endeavor.

Chairman Maksy asked about the possibility of going back to the Regional School Committee and asking if they can reduce our assessment. Ms. Garbitt responded that they have set their budget. Chairman Maksy asked if they can offset. Ms. McRae stated that she would have to check with the Department of Revenue to see if they can offset the funds and then maybe we could go back to a Special Town Meeting to vote it. Mr. Olivier stated that countless hours were spent on the budget. He commended David McQueeney for asking about the money from the Region. It did not get anywhere and prior to that, we kept telling them that we are in dire straits. We did not get anywhere with those requests. He did not agree that we do not have the ability to reallocate funds and he was not sure that that opportunity has passed. We can keep up to 5% in E&D and we can prepay encumbrances for the following year. However, if you are over 5% in the E&D, you do not have to go back to Town Meeting. Mr. Olivier said it disturbed him when he saw the Region closing out funds that are not part of the E&D, like Community Recreation. Mr. Olivier stated that he thinks there is an ability to do something, and the Region

seems to be in the best situation as far as other Town Departments. Chairman Maksy stated that the money would come back to the General Fund, so he believed that we do need to have a Special Town Meeting to appropriate this.

Mr. McQueeney stated that he cannot answer to what the Region does or does not do. We have three (3) representatives that could speak to that. But by moving the 4th Grade back to Assawompset, it cost the region \$564,000. Then, there was \$196,000 cut for transportation money. With other cuts from the State, there was almost \$1 million cut from the Region. He said when he was considering moving into Lakeville, the first thing he did was find out about the schools. He said he wanted the water tower as much as the Selectmen, but he would like to see a better accounting for the cost of the water tower. Chairman Maksy stated that the numbers right now are not firm. If we had a signed contract today and there was money left over, he did not think there would be a problem. Selectman Yeatts stated that the Town needs to build a water tower, build a booster pumping station and extend the water line to the Town Offices. The Town has to enter into an Inter-Municipal Agreement with Taunton to make sure we can be in control of our own water in the future. We will have to have our own Water Commission. There is a long way to get from where we are today to where we want to be. We are on that road to get that revenue for the Town, just like you are on the road to get teachers. This is the pot of money we need to get us there and not the solution for the classroom sizes. Even though the Region supposedly lost \$1 million, they expanded their sports programs. There were no layoffs with teachers and they are still not in half of dire straits as the two (2) Elementary Schools are. She still would look to the Region for help. Mr. McCarthy stated that there were layoffs at the Region as part of moving the 4th Grade back.

Selectman Evirs stated that he did not know if this can happen or not. You are asking the Town to come up with \$200,000. The Town's Assessment to the Region went up \$390,000 and Freetown's went up \$171,000. Is it possible for the Region to assign the three (3) teachers to Lakeville and three (3) teachers for Freetown for the year as out-of-district? Mr. McQueeney stated that that would have to be looked at. Ms. McRae responded that if the assessment was lowered for the Region, it might be able to be done. Selectman Evirs stated that it is worth looking into. Ms. Garbitt stated that lowering the assessment accomplishes that. When she and Selectman Yeatts figured an estimate for unemployment, they based it on the number of layoffs that the School Department provided. She was concerned about that figure being budgeted correctly. Mr. McQueeney said it sounded as if the answer to Superintendent McCarthy's letter is no. Chairman Maksy stated that unemployment benefits can now be received for 79 weeks with all the extensions. Ms. Garbitt stated that approximately 20 people have signed up for unemployment. Superintendent McCarthy stated that some of the paraprofessionals may be coming back as part of the stimulus money, so they may come off unemployment.

Steve Olivier stated that at the meeting last week of the Regional School Committee, there was a line item for the stimulus funds received. He did not understand how it works going into the close of FY09 and any monies that would be freed up for FY10. Superintendent McCarthy stated that because the appropriation was less from the State, we had to reduce the appropriation and replace it with the stimulus money so that it was balanced or it would look like you had more than you had. Ms. Garbitt said that was done on the Local School side as well. Superintendent McCarthy added that in 2010, it is more about grants and bringing back some of the people that

we lost. His biggest concern was that we were actually getting the stimulus money since it has been somewhat of a moving target. That money will bring back paraprofessionals in particular and some teachers and that after that it will be gone. Ms. Orrall asked how many students and teachers there were. Superintendent McCarthy responded over 700 students in Kindergarten through Grade Four, but we are still receiving enrollments. We do not know the actual numbers for staffing, but we will get that information to Ms. Orrall. There are low numbers in Kindergarten this year, so we caught a little break there. We do not know if it is five (5) or six (6) sections in First Grade. That is helpful that those class numbers are lower than where we are in Grades 2-4.

Selectman Yeatts stated that from her perspective, for every teacher that is brought back a police officer should be brought back if and when the money becomes available. Chairman Maksy asked if the Teachers' contract has been signed as of yet. Superintendent McCarthy stated that it is still held up at the MTA level and has not been reviewed by our counsel, but it is very close. Ms. Garbitt mentioned the co-pays reimbursement. Superintendent McCarthy stated that his understanding is that was no longer part of the contract. That may have been for FY09, but not the new contract.

Review and vote to sign GATRA FY10 contract

Ms. Garbitt stated that this is a standard contract that needs to be signed. The Chairman would sign the GATRA contract. Chairman Maksy added that he will initial where it has been handwritten.

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

VOTED: To approve and sign the GATRA contract for FY10.
Unanimous in favor.

Discuss SRPEDD Municipal Assistance Hours-FY10

Chairman Maksy stated that the Town annually receives 20 hours from SRPEDD Municipal Assistance hours. Ms. Garbitt stated that she likes to use the hours for the Commonwealth Capital Application. The Master Plan Committee will be starting back up after the summer and probably will need some assistance hours. She will keep the 20 hours for the Board of Selectmen. The Planning Board also receives 20 hours, which should go to the Master Plan Implementation Committee.

Request to use Town House-Lakeville Garden Club

Selectman Evirs read the letter into the record requesting the use of the Town House for the Lakeville Garden Club.

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

VOTED: To approve the request of the Lakeville Garden Club use of the Town Hall on May 15, 2010. Setup will be on May 13, 2009. Approval is subject to the rules, regulations and any policy that the Board of Selectmen may adopt in the meantime.

Unanimous in favor.

Discuss invitation to join Plymouth County Fuel Oil Bid

Ms. Garbitt stated that the Town received an invitation to join Plymouth County on their Fuel Oil Bid. The Town's current contract expires on September 30, 2009. Ms. Craig stated that the closest community that joined on the bid was the Town of Rochester. Ms. Craig said the Town is currently out to bid for fuel oil. Ms. Garbitt said her concern would be maintenance. It was agreed not to participate in the Plymouth County Fuel Oil bid.

Revisit Town House/Town Office Building Use Policy

Ms. Garbitt stated that she heard back from the Region regarding insurance for school groups using the Town Office Building or the Town House. If it is a school sanctioned event, their insurance covers the students, like a car wash at the Town Office Building. If the school organization is negligent, then the school insurance would cover the activity. However, the activity needs to be approved by the Superintendent. She suggested that a standard form be prepared for the Superintendent's approval, that way they would know what activities are taking place. The Apponequet Boosters are covered while on Regional School property. They are checking on how they were originally formed to see if they would be covered while off of Regional School property. Selectman Evirs stated that typically there are always Regional students involved in an activity. Other discussion regarding this topic took place.

Chairman Maksy stated that he felt if the Board is going to require insurance, then we should just stop allowing organizations to use the building. Selectman Yeatts stated that she feels that the insurance requirement should be removed. The citizens of Lakeville are paying for these buildings. She was concerned about the use of power tools. Ms. Garbitt responded that the policy would definitely need Town Counsel review. Chairman Maksy stated that the Board is concerned about promotional stuff being distributed. Selectman Evirs stated that he would not vote in favor of the policy, if it does not include the insurance certificate requirement. We would be negligent in our duty if we assume the liability. Most of the groups can supply an insurance certificate. Selectman Yeatts stated that the only people that would be penalized would be regular citizens. Our insurance agent said we are covered. Selectman Evirs stated that it wouldn't be a bad thing to have another \$1 million insurance buffer. Chairman Maksy stated that he understood that it is negligence that would trigger a claim. Selectman Evirs stated that if we do not give them permission to use the property, then we would not have a problem. Selectman Yeatts was concerned about the cost for a one (1) day policy for a resident that wants to have a fundraiser. Selectman Yeatts stated that she does not want to charge a fee and would like that removed. She would agree to leaving in the paragraph regarding having reimbursement to clean up or make any repairs that are determined. Chairman Maksy agreed with removing the

fee for use and the user would be charged for any damage that may have occurred. He would like Town Counsel to review the policy and give their opinion on having the additional insurance.

Request for One Day All Alcohol License-Park Commission

Chairman Maksy said the Board had received a request for a One Day All Alcohol License for the Park Commission.

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

VOTED: To approve the One Day All Alcohol License for the Plapis wedding reception on September 26, 2009 from 5:30 PM to 11:00 PM at Ted Williams Camp.
Unanimous in favor.

Selectman Evirs noted that the Board should have a meeting with the Park Commission to discuss Police and Fire Department staffing in regards to whether a detail is needed for a function held at the Camp.

Vote to layout DeMoranville Drive as a public way

Selectman Yeatts stated that she would like to make a motion to table this item until the next meeting. She was concerned about the amount of wetlands at the rear of the road. She would also like to speak to the Superintendent of Streets about this. She felt that there should be a policy that all road approvals only go to Annual Town Meeting. Chairman Maksy stated that the Board just cannot ignore this request. It will not get approved at Town Meeting until it gets our endorsement and the Conservation Commission and Planning Board approvals. Selectman Yeatts stated that she understands, but does not agree. Ms. Garbitt stated that the Board can set a policy that they will only vote road acceptances at Annual Town Meetings. Selectman Evirs pointed out that it is a Catch 22. Until the Board votes its intent to layout the road, the other Boards/Departments cannot do their job. Any issues with the road should surface on their own when the Highway, Planning Board and Conservation Commission evaluate it.

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

VOTED: To layout Demoranville Drive.
Two in favor, one (Selectman Yeatts) against.

Selectman Yeatts stated that she would like the memo to the Planning Board to note that she was opposed to the layout.

Revisit Emergency Traffic Control Trailer Memorandum of Understanding

Selectman Yeatts stated that she was concerned because concrete answers were not received for Items 2, 3 and 4. Chairman Maksy asked that the Superintendent of Streets look into getting

the rest of the answers for the Board. Ms. Garbitt noted that the Police and Fire Chiefs are in favor of the trailer.

Receive and vote to accept resignation of Jennifer Turcotte from Board of Health

Selectman Yeatts read the resignation of Jennifer Turcotte from the Board of Health into the record.

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

VOTED: To accept the resignation of Jennifer Turcotte from the Board of Health as of September 10, 2009.
Unanimous in favor.

Ms. Garbitt requested the members of the press publicize the vacancy. It was decided to ask for letters of interest up to September 11, 2009. The Board's next meeting is September 14, 2009. Ms. Craig will also put the request for letters of interest on the Town's website.

Any other business that may properly come before the meeting.

Selectman Yeatts stated that Ms. Garbitt had requested that she interview Harold Marshall for the position of Assistant Animal Control Officer. The position was posted on the Town's website and on the bulletin board in the hallway. Mr. Marshall was the only applicant. He had previously worked in this position, but had to resign due to his work schedule. This is a stipend position and he will be on call.

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

VOTED: To appoint Harold Marshall as Assistant Animal Control Officer with a term to expire April 30, 2010.
Unanimous in favor.

Chairman Maksy stated that Lakeville has \$87.00 in the State's Renewable Energy Trust Fund. This is because some residents of Lakeville are served by NStar, which is a private investor. They will match that or we can take the money and spend it on something related to renewable energy, but we cannot do thermostats.

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

VOTED: To authorize the Building Commissioner to purchase something that meets the requirement for the Renewable Energy Trust Fund.
Unanimous in favor.

Other Items

1. Letter from Jeff Doel regarding Highway Department
Selectman Evirs read the letter into the record.

2. Construction Cost Estimates from Field Engineering regarding Bedford Street water main extension
Selectman Yeatts stated that she wants to talk to Ken Motta before she brings this back to the Board since she still has some questions. She asked that this item be placed on the next agenda for further discussion.
3. Conservation Commission notification – Water Line – Bedford Street
4. Notice from Attorney General regarding approval of Warrant Articles from Town Meeting
5. Mass Highway Access Permit – Ted Williams Camp
6. Letter from CEA regarding 80 Main Street
7. Update from Department of Public Health regarding H1N1
8. Memorandum from Town Counsel regarding Identity Theft Prevention Requirements
9. Memorandum from Town Counsel regarding Chapter 30 of the Acts of 2009 – Exceptions to Public Construction laws
10. Memorandum from Town Counsel regarding Provisions of FY10 State Budget Applicable to Municipalities
11. Draft Transportation Improvement Program
12. Meeting Notice-Southeastern Mass Council on Sustainability – September 17, 2009
13. Letter from SRPEDD – Regional Summit – September 10, 2009
14. Letter from SRPEDD regarding Regional Economic Strategy Committee membership
15. Notice of meeting-Regional Economic Strategy Committee-September 15, 2009
Selectman Yeatts asked when the meeting in Dartmouth was. Ms. Garbitt responded September 10th at 7:00 PM. Selectman Yeatts asked Ms. Garbitt to remind her to call Roy Clarkson since they will talk about regionalization.
16. Meeting notice-South Coast Rail Project
17. Municipal Guide to Local Cultural Council Program – Mass. Cultural Council
18. Notice of Audit – Request for Site Inspection – DEP
19. Letter from DOR regarding preparation of the tax rate and/or pro forma recap for FY10
20. DOR Bulletin – Veteran Exemptions
21. EOT seminar: budgeting for public Works Department & Presentations to Public Boards
Selectman Yeatts asked if Mr. Peck would be attending the seminar. Ms. Garbitt responded that she will look into it.
22. Letter from MMA regarding annual Statewide Essay Contest for 6th Graders
23. MMA Fall Legislative Breakfasts – October 2009
24. MBTA Advisory Board meeting notice-September 1, 2009
25. Notice from NSTAR regarding Public Hearing 2008 Annual Energy Efficiency Report
26. Letter from Tata & Howard regarding Drinking Water State Revolving Fund
27. Letter from Comcast regarding upgraded customer service
28. Comcast Overview Newsletter – Second Quarter 2009
29. SEED Updates
30. Letter from Morton Hospital regarding change of President/CEO
31. Letter from Visiting Nurse Association regarding cessation of services
Selectman Yeatts asked if the Board of Health budgeted for this service. Ms. Garbitt stated that the Town has to have this service. The Board of Health is checking with other Towns to see if we can contract with them to use their nurses. Chairman Maksy

suggested sending the Board of Health a memo asking them how they are addressing this matter.

32. Notice from Department of Public Health regarding H1N1 vaccinations

33. Memo to the Town Accountant regarding Special Education Grant

Selectman Evirs stated that the Board talked about the SPED grant when the Superintendent was present earlier this evening. Ms. Garbitt noted that this is a different grant. The State cut State Aid and communities had to apply for Stimulus Money to get back the State Aid that was cut.

34. Letter from Board of Health regarding 125 Staples Shore Road

35. Department of Public Health Situation Report H1N1

At 10:20 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs the Board:

VOTED: To enter into Executive Session and not to return to Open Session to discuss the Collective Bargaining Agreements with the Police and Fire Unions and imminent litigation.

Polled vote of Selectman Yeatts – aye, Selectman Evirs – aye, and Selectman Maksy – aye.