

SELECTMEN'S MEETING
Monday, September 10, 2007

On September 10, 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 7:03 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Vote to sign Bond Anticipation Note

Chair Yeatts explained that the items for the BAN (Bond Anticipation Note) were for the Assawompset School Roof Replacement, the New Ambulance and the Design for the new Police Station, all approved at Town Meeting.

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

VOTED: To approve and sign the Bond Anticipation Note (BAN) in the amount of \$660,000.00 for various purposes to be issued on September 19, 2007 and due July 15, 2008 payable to Eastern Bank with an interest rate of 3.90%.
Unanimous in favor.

Discuss paving plan with Superintendent of Streets Chris Peck

Christopher Peck, Superintendent of Streets was present for the discussion. Mr. Peck spoke about the four (4) roads that will soon have work done on them consisting of placing a Hot Mix Asphalt leveling course in areas where required and a 1 ½" Hot Mix Asphalt Top Course overlay. The existing widths shall remain. The work is tentatively scheduled for mid to late September depending on the paving contractor's availability. The total amount of pavement to be placed is approximately 4,000 tons as estimated by P. J. Keating. The roads are Kingman Street-from Route 79 to Pickens Street, Precinct Street-from House #66 to the Senior Center, Old Main Street-from Route 105/Main Street to the end of Town Roadway layout, and Surrey Drive-from house #16 to house #12. The environmental punchlist also needs to be approved by the Conservation Commission in order that the work will be reimbursed with Chapter 90 Funds.

A motion was made by Selectman Evirs with Chair Yeatts stepping down to second and stepping back up to vote, it was:

VOTED: To approve the following roadways to be paved in order of priority: Kingman Street, Precinct Street, Old Main Street, and Surrey Drive.
In favor 2, Abstain 1

Chair Yeatts asked about the bids for the roll-offs trucks that went out to bid since she had heard that several of the bids did not meet the specifications. Mr. Peck explained that only one (1) of the five (5) bids met the specifications that were prepared by Brad Bates and also reviewed by himself. Selectman Maksy asked if the bids had been made too restrictive? Ms. Garbitt

responded that the bids were not too restrictive. There were a few items that the companies had not met on the bid specifications.

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

VOTED: To approve and award the bid for a roll off truck (2007 Mack Truck cab and chassis) for the Transfer Station to McDevitt Trucks of Avon in the amount of \$131,845.00.
Unanimous in favor

Announce September 11th Anniversary Ceremony

Chair Yeatts read the memo from the Fire Department inviting all to join them for a 9/11 Anniversary Ceremony to honor the victims and the survivors on September 11, 2007 in front of the Town Hall. The ceremony will begin at 9:55 AM and will have the ringing of the bells at 10 AM and a few prayers. All Selectmen stated that they would be able to attend the ceremony.

Request for one day liquor license-Park Commission-October 6, 2007

Chair Yeatts read a request from the Park Commission requesting a one-day liquor license for the Ted Williams Camp.

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

VOTED: To approve the one-day liquor license for the Meleski Family 60th Birthday Party on October 6, 2007 from 12 pm to 5 pm at the Ted Williams Camp.
Unanimous in favor.

Chair Yeatts suggested that the Police Chief be notified of the event since recently parking for events held at the camp have led to parking on Route 18, which is a State highway, and is not allowed.

Request to use Town House for fundraiser yard sale-Boy Scout Troop 26 of Lakeville

Chair Yeatts read a request from Boy Scout Troop 26 of Lakeville to use the Town House for a yard sale.

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

VOTED: To approve the use of the Old Town Hall for the purpose of a Yard Sale fundraiser by Boy Scout Troop 26 of Lakeville on Saturday, September 22, 2007 with a rain date of Saturday, October 13, 2007.
Unanimous in favor.

Request for proclamation for UN Day October 24, 2007

Chair Yeatts read the Proclamation for the United Nations Day to be held on October 24, 2007 marking the 62nd Anniversary of the United Nations into the record.

Request from SE Mass Commuter Rail Task Force for representative

Chair Yeatts explained that Linda Grubb has been sworn in as the Southeastern Massachusetts Commuter Rail Task Force representative.

Review Zoning Board of Appeals petitions: Garvey & Robbins

Chair Yeatts recused herself from the discussion and vote since she is a neighbor of William Garvey. She added that Selectman Maksy would be looking at the petition as either a member of the Board of Selectmen or the Zoning Board of Appeals (ZBA). If he responds as a Selectman, then he would recuse himself from discussing this with the Board of Appeals. Selectman Maksy noted that the review is basically that as an advisory response recommendation. Ms. Garbitt stated that the Board of Selectmen does not have to make a recommendation at all per Town Counsel on the matter. Selectman Maksy can step down on the ZBA side and not act on the petition with them. A policy though should be set by the Board of how they will handle matters of this nature in the future. Selectman Maksy stated that it has always been his policy to act either on one side or the other, not both, though he may be allowed to do so as indicated by the State Ethics Board when the matter was presented to them, especially since this is not for monetary gain. Selectman Evirs stated that he felt the first responsibility of someone was to their elected position and any appointed position that comes in conflict to the elected position, should be secondary.

Discussion took place among the Board members for clarification of all aspects of the matter. The petitioner is re-petitioning the ZBA for permission to construct a two-car garage and is seeking a variance from Section 6.1.3. It was the consensus of the Board not to make a recommendation on the Garvey petition.

The Board next considered the Robbins petition. The petitioner is asking to replace a 450 square foot mobile home with a new dwelling. The current mobile home contains one bedroom and one bathroom and appears to be connected to a cesspool, according to Board of Health records. Chair Yeatts noted that the petitioner needs to go before the Conservation Commission, the Board of Health for the installation of a septic system and also, there is no engineered plan of land. There is a lot more information which is needed on the petition before a recommendation can be given by the Board of Selectmen.

Request for curb cut-Lot 1 Highland Road

Ms. Craig stated that the Planning Board would be reviewing this at their meeting tonight. Pauline Ashley, Secretary for the Planning Board, brought the signed approval form into the Selectmen's meeting. Ms. Garbitt clarified with the Planning Board that they approved the curb cut, provided all conditions mentioned by Chris Peck, Superintendent of Streets, were met.

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

VOTED: To approve the Curb Cut Permit Request for “Lot-1 Highland Road” with the five (5) recommendations as provided by the Superintendent of Streets on the memo from him dated September 7, 2007.
Unanimous in favor.

Review and vote to approve Selectmen’s meeting minutes: May 29th, July 11th, July 25th, August 8th, and August 10th

Upon a motion made by Selectman Evirs with Chair Yeatts stepping down to second and stepping back up to vote it was:

VOTED: To waive the reading of and approve the Selectmen’s meeting minutes of May 29, 2007 as presented.
In favor 2.

Upon a motion made by Selectman Evirs with Chair Yeatts stepping down to second and stepping back up to vote it was:

VOTED: To waive the reading of and approve the July 25, 2007 Selectmen’s (Regional Casino) meeting minutes as presented.
In favor 2.

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

VOTED: To waive the reading of and approve the August 8, 2007 Selectmen’s (Regional Casino) Meeting minutes with a change on page 10 in the middle of the first full paragraph of a comment to be changed from Ms. MacFarlane to Selectman Evirs.
Unanimous in favor.

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

VOTED: To waive the reading of and approve the Selectmen’s meeting minutes of July 11, 2007 and August 10, 2007 as presented.
Unanimous in favor.

Review and accept Executive Session minutes: May 29th, August 10th, August 13th, August 27th and August 29th

A motion was made by Selectman Evirs; seconded by Selectman Maksy and it was:

VOTED: To waive the reading of and approve the Executive Session meeting minutes of May 29th, August 10th, August 13th, August 27th and August 29th, 2007.
Unanimous in favor

Any other business that may properly come before the meeting.

Chair Yeatts asked Ms. Craig about the 6th Grade contest information? Ms. Craig responded that the packet of information has not been received as of yet, but that she had ordered it.

Chair Yeatts read the resignation of the Building Commissioner, James Marot, into the record.

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

VOTED: To accept the resignation of the Building Commissioner James Marot.
Unanimous in favor.

Discussion then took place as to the posting of the position and what the salary should be.

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

VOTED: To post the position of the Building Commissioner in the Beacon and on its website and The Middleborough Gazette, for September 12 through October 12, 2007.
Unanimous in favor

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

VOTED: To change the salary range for the Building Commissioner position to \$50,000 – \$60,000.
Unanimous in favor.

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

VOTED: To appoint Robert Darling as interim Zoning Enforcement Officer at an hourly rate which will be calculated by the Town Administrator until such time a new person is hired to the position of Building Commissioner.
Unanimous in favor.

Ms. Garbitt asked the Board if they would like to set the Selectmen meeting dates for October, November, December and January. It was the consensus of the Board of Selectmen to set the following meeting dates:

Monday, October 15th, & October 29th, 2007 at 7:00 PM
Monday, November 5th, & November 19th, 2007 at 7:00 PM
Monday, December 3rd, & December 17th, 2007 at 7:00 PM and
Monday, January 7th, 2008 at 7:00 PM

Selectman Evirs asked about the mobile home park, Twin Coach Estates and the rising rental rates. Ms. Garbitt responded that Heidi, who works in the office for Twin Coach Estates, claims

the new owners was not told about the rate stipulation, thus the rate will remain at \$284.19 per month. The Manager has not registered the property and will not charge the higher rate. Selectman Evirs stated that the residents of the mobile home park should not pay a rent increase unless they hear from the Town of Lakeville through either the Rent Control Board or the Board of Selectmen otherwise.

Selectman Evirs noted that the budget requests should be going out to all Department Heads and Boards this week. Ms. Garbitt stated that she would like to stress that it will be different from the usual budget request. Typically a maintenance budget and an ideal budget is requested, however, since there will not be any new revenues for FY09, the Town will only be asking for a maintenance budget which would include utility cost increases, contractual increases and no new employees. Chair Yeatts asked if this would also be the same for the School Department? Ms. Garbitt responded in the affirmative. Selectman Maksy explained that he had been at a School Committee meeting the previous week and there had been some confusion on the budget, but he had also spoken with them about basically the same thing. Ms. Garbitt stated that she usually receive a maintenance budget from the School Department. Selectman Maksy asked if the letter that will be sent out to the School Department could be reviewed prior to it being sent to them? Ms. Garbitt responded in the affirmative.

Ms. Garbitt also handed out a memo had been received from the Board of Health regarding outdoor school activities and the risk of mosquito borne diseases.

Other Items

1. JTPG Meeting Notice
2. SRPEDD letter regarding revised ENF-Route 79 relocation
Selectman Maksy stepped out of the room during this discussion. Chair Yeatts stated that she was disturbed about the revised ENF (Environmental Notification Form), as pointed out by SRPEDD (Southeastern Regional Planning & Economic Development District) of not calling for the closing off of Route 105. Selectman Evirs suggested that a letter be written to the EOEA (Executive Office of Environmental Affairs) stating that the Town agrees with SRPEDD and has discussions about the matter with MassHighway. It is also part of the minutes of the meetings with MassHighway and Ken Motta of Field Engineering in Taunton. Ms. Garbitt, Chair Yeatts and Selectman Evirs will work on a letter to be sent to the EOEA backing up the opinion of SRPEDD and including copies of minutes supporting the position.
3. Letter from Senator Menard regarding Minimum Manning Bill for Firefighters
Selectman Evirs stated that he liked the letter from Senator Menard who shares the views and concerns of the Town regarding House Bill 2531, Minimum Manning Bill for Firefighters. She will not support the bill if it comes before her in the Senate.
4. Letter from Federation of Old Plymouth Indian Tribes regarding Betty's Neck
5. Memo from Town Counsel regarding changes to MGL c.32B regarding health insurance
Ms. Garbitt explained that the letter is informing the Board of Changes Regarding Health Insurance. Selectman Maksy stated that he would like to look into the letter further. Ms. Garbitt stated that she would gladly speak with him.
6. Letter from Plymouth County Cooperative Extension regarding potential hazardous trees

Ms. Garbitt stated that the Potential Hazardous Trees are a real concern for Mr. Peck of the Highway Department due to budgetary constraints. Selectman Maksy suggested that a preventative maintenance program be recommended from Mr. Peck since it may be in the best interest of the Town to do this.

7. Plymouth County Cooperative September-October calendar of events
8. Plymouth County Selectmen's Association meeting notice-September 20th
Chair Yeatts and Selectman Maksy stated that they would like to attend the Plymouth County Selectmen's Association Meeting on Thursday, September 20th, 2007 at 7:00 PM at the Plymouth County Sheriff's Office in Plymouth.
9. Plymouth County Advisory Board minutes-June 27, 2007
Chair Yeatts stated that she liked seeing how the breakdown of the votes, as a percentage, based on the population of the Town's, appeared in the minutes from the meeting.
10. Cranberry Country Perspective newsletter
11. Notices from DCAM regarding request for space for lease
Selectman Maksy noted that the deadline for the request is October 10th. Is there anyone the notice should be passed on to? Ms. Garbitt noted that Canpro already receives it. Selectman Evirs stated that he would look into this as well.
12. Letter from Bridgewater State College regarding Civic Leadership Program
13. Letter from Brockton Area Multi Services regarding their helpline
14. Notice from MEMA regarding Hazard Mitigation Grant Program
15. Letter from DEP & MEMA regarding Disaster Debris Management Planning
16. Notice of STAR meeting October 4th
17. Coalition for Zoning Reform Update Report – CPA-2
18. Memo from Treasurer/Collector Debra Kenney
Chair Yeatts read the memo dated September 7, 2007 from the Treasurer/Collector Debra Kenney, into the record since the Part-Time Assistant ACO (Animal Control Officer) matter came up at the last Selectmen's meeting. Basically these officers do not have regularly scheduled hours so they are not subject to pension withholding and are ineligible for pension benefits. They are also ineligible for health insurance, and do not accrue any personal days, vacation days or sick days.

At 8:50 PM, upon a motion made by Selectman Evirs and seconded by Selectman Maksy, it was:

VOTED: To enter into Executive Session and not return to Open Session to discuss strategy regarding potential litigation and contract negotiations of non-union personnel.
Polled vote: Selectman Evirs, - aye, Selectman Maksy – aye, and Selectman Yeatts - aye.