

SELECTMEN'S MEETING

October 2, 2007

2:00 PM

On October 2, 2007, the Board of Selectmen held a meeting at 2:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 2:08 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant.

Revisit and discuss heating oil and diesel fuel bids

Chair Yeatts said that Jack Lucas, owner of Standish Oil and Lakeville resident, had been calling her regarding copies of contracts for Betty Neck. Ms. Craig said that Mr. Lucas had also been concerned about commercial logging that he heard was occurring on Betty's Neck and that she had told him that no commercial logging was occurring at Betty's Neck. Chair Yeatts said that \$5,000 is raised from hay from the fields. That is the only money that is generated there, and it goes directly to the rangers, by agreement with the Assawompset Pond Complex. The Cities of New Bedford and Taunton and the Town of Lakeville all contribute to the cost for the rangers. Selectman Maksy asked who controls Betty's Neck. Chair Yeatts said it belongs to Lakeville. Ms. Garbitt noted that there is some logging on the New Bedford land. Chair Yeatts said New Bedford has a Forest Management Plan. They log and sell the wood. Selectman Evirs said so no logging on Lakeville property. Chair Yeatts said she is waiting for Mr. Lucas to call her back and find out exactly what he is looking for. Selectman Maksy said he should request it in writing. Chair Yeatts said he wants the Conservation Restriction, but we just received it ourselves. Selectman Evirs suggested that Mr. Lucas come in and look at the file and ask for copies of what he wants.

Ms. Garbitt reviewed the chart summarizing the pricing. Dennis K. Burke, the State contractor, had a differential price of \$.1704 per gallon, including federal taxes. The only bidder, Standish Oil, had a differential price of \$.209 per gallon. Based on an approximate usage of 16,000 gallons, the difference in heating oil would be \$620 for the year. Selectman Maksy asked Ms. Garbitt for her recommendation. Ms. Garbitt said she thought the Town should go with Standish Oil. They have excellent service and automatic delivery, so we do not run out of oil. If we do, any work necessary is covered by Standish. Selectman Evirs said this is a miniscule difference for the service we receive. Selectman Maksy said there is a value for the service. Chair Yeatts asked about the State supplier's service. Ms. Garbitt said they are on warning with the State.

Upon a motion made by Selectman Evirs and seconded by Selectman Maksy, the Board

VOTED: To award the heating oil bid to Standish Oil.
Unanimous vote.

Ms. Garbitt said that she recommended that the Board purchase diesel fuel off of the State contract. Global Montello currently supplies our gasoline and would be our diesel fuel vendor.

The Town averages approximately 12,000 gallons per year. The differential price from Global Montello is \$.0263 per gallon; Standish's bid was \$.199 per gallon. Based on the usage figures, that equals approximately \$2,000 in savings.

Upon a motion made by Selectman Evirs and seconded by Selectman Maksy, the Board

VOTED: To purchase diesel fuel from the State vendor, Global Montello.
Unanimous vote.

Request for change of manager-Lakeville Fraternal Order of Eagles

Chair Yeatts noted that the Lakeville Fraternal Order of Eagles is requesting a change of manager. Ms. Garbitt said that Joyce Carlson, former manager, resigned and they have asked for James Troiani to be appointed manager. Chair Yeatts asked about the presence of a trustee on site during operating hours. Ms. Craig said that after speaking with Bill Kelly of the ABCC, it is up to the Selectmen whether they would require this until the new manager is approved or disapproved. There was minor further discussion.

Upon a motion made by Selectman Evirs and seconded by Selectman Maksy, the Board

VOTED: To approve the change of manager for the Fraternal Order of Eagle to James Troiani.
Unanimous vote.

Discuss copying of agenda for the meeting

Chair Yeatts said that sometimes at our meetings, long items under Other Items are difficult for the audience in general to know what the Board is talking about. She will try to be more distinct about what is being discussed in the future. She suggested that one press packet, available anytime after 12:00 PM on Monday, be run off. The Selectmen will have a chance to review the agendas prior to that time and make any changes necessary. It can be left with Tracie or in the Conference Room, where the press or a citizen can go over it. They would be welcome to make copies if they would like. Selectman Maksy pointed out that meetings aren't always on Monday and that packages could be available just prior to the meeting. Chair Yeatts said she was speaking about regularly scheduled Selectmen meetings. Sometimes we are adding information right up to the meeting time, so 12:00 PM on Monday should be okay. Selectman Maksy said if it is 12:01 PM and is not ready, he doesn't want to get caught in a corner.

Selectman Evirs stated he was not in favor of furnishing the press copies. He sees so many copies being thrown in the wastebasket, it seems to be a waste. Selectman Evirs said that having the press or anybody else come in to get copies of materials before the Board members get to discuss something in an open meeting could create a problem. Granted the information is public information, but it should not be made available to the press to work with prior to the Board even discussing it. The people on the agenda may want to discuss it with us or add information to it. While we are discussing an issue, we can give a copy to the press. Agendas are made available

Friday by the close of business. If there is something, they can request it prior. When it comes up on the agenda, we can give it to them.

Chair Yeatts spoke of a Standard Times reporter that did not attend meetings or would call after the fact. If the press received the agenda prior to the meeting, that could happen again, with them looking at the agenda, not come to the meeting and write a story without attending. She had not considered that. Selectman Evirs said that the press would have the ability to contact people on the agenda without us even being able to discuss the issue. Selectman Maksy asked what documents is the Board talking about. We don't need additional copies sitting here when he is going to hand it away anyway. Informational things are available wherever it came from as a public document. We are mainly concerned with the agenda itself, individual letters, email, etc. Those would not be available until the meeting starts. We should have one copy here, we can make more copies.

Chair Yeatts asked at what point does something become a public document. Ms. Garbitt responded when it is received in the office. However, we have ten (10) days to produce a copy. Selectman Maksy said we would still meet that obligation. If something is asked for on Friday and available on Monday, its available. The press doesn't need it before Monday evening so they can follow along. Ms. Garbitt said that she had spoken to Cindy Dow, reporter from the Middleborough Gazette, about what she would like available. Budgets are the most important item as it would make it easier to follow along. Selectman Maksy said that it must say draft. Ms. Garbitt that the press could look at what is on the agenda, and call ahead and ask for copies. Ms. Dow said that would work. Selectman Evirs said that anyone else should have that same privilege. Chair Yeatts said yes. Selectman Maksy said there are still other press here. There should be one copy available. Selectman Evirs said it is more work to edit the agenda. Selectman Maksy said copying a few letters is simple. On a detailed item, just copy the front page of it. If they need more, the press could stop and get it or ask earlier.

Chair Yeatts said that we get the agenda, then the read items. What is the harm in giving the front page of the read items so that the press knows in general what we are talking about. Chair Yeatts would like the read item page attached to the agenda that is copied. Selectman Maksy said that does not mean we are going to discuss it. Selectman Evirs said between the agenda and that, we should not be making a complete package. If someone sees something that they would like to follow along with, ask Ms. Garbitt or Ms. Craig for the specific information. Ms. Garbitt said usually for budget meetings, she has extra copies for the audience. Chair Yeatts asked Ms. Dow's opinion. Ms. Dow said having the information on Monday is fine. Her paper is not an issue as it is weekly, but for others it could be an issue. By only copying the front cover page of the Read Items, the description is not clear if you don't see what it is. If she hadn't seen the letter for SRPRED-Route 79, she would not have realized what it was about. Selectman Evirs said if you come to the meeting, you would know. Ms. Dow responded not if the Board does not discuss it. Selectman Evirs said she could ask what it is. He said anyone could ask for explanation of an item. Ms. Dow said she could have done that regarding the request from the Indians regarding Betty's Neck, but she waited because there may be a reason about not bringing it up. Selectman Evirs said that's why the copies will be made.

Chair Yeatts said that if it was made available shortly before the meeting, that takes away the running out and calling the person up prior to the meeting. She is hard pressed to make people wait ten (10) days for public information. Selectman Evirs said we don't make them wait ten (10) days and don't make it difficult to get. If this whole packet was sitting here, the first person in can take the copy and now no one else can take it. If they get to the Read Items, bring up the item if you are interested in. You can always come back and get copies. Selectman Maksy said that the Board agrees that both sheets can be copied and looked at prior to the meeting. Selectman Evirs said to add it to the agenda that gets posted on the website and run off copies for the public. He hated to volunteer a bunch of copies that are not needed.

The general consensus was that a copy of the agenda with read items should be made available in the Selectmen's office and be posted on the website. Selectman Evirs said if you want to make a copy of the agenda for someone, go ahead. He would make his available at the end of the meeting. Usually his notes are on the items. Ms. Garbitt said that if one of the Selectmen made their agenda available prior to the meeting, she would not feel comfortable commenting on something that the Board has not looked at. Chair Yeatts said that unless you know what the Read Items are, you don't know what they are about. They should be made available a little before the meeting. Ms. Garbitt said after the Board discusses it, everyone can have a copy. Selectman Evirs suggested taking Ms. Weston's copy and leave it on the table. Chair Yeatts agreed that would be fine. Selectman Maksy agreed. If someone wants a copy of something, they can request it. We should make the copy available at 6:00 PM. Selectman Maksy said if anyone needs a copy anytime from the agenda, they should be able to get a copy once it is available or if Ms. Garbitt wants to give it ahead of time.

Other Business

Discuss School Roof at Assawompset School

Chair Yeatts said we will not be releasing the last payment until we get the warranty. We have received the guarantee from the manufacturer for the 25 years. Ms. McRae has called Lou Rodriques, but she has not heard back from him. Burpee Company emailed Mr. Rodriques, but did not get an answer. Ms. Garbitt called Ed McCabe. The warranty was approved, and he was going to email it. Ms. Garbitt said that Mr. McCabe has confirmation that they are going to issue the warranty. Selectman Maksy asked what amount was being held. Chair Yeatts said there is \$70,420 owed. Selectman Evirs asked if the installing contractor bought the materials. Ms. Garbitt said Burpee did. Selectman Evirs said we should not release the money until we get the warranty. Selectman Maksy said we are holding almost 20%. We said we would hold 10%. Chair Yeatts said the price was \$422,422, we should hold 10% back and pay the rest. Selectman Evirs said we can only legally hold back 10% of the total project cost.

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

VOTED: To hold back 10% of the total project cost until the warranty is received.
Unanimous in favor.

Selectman Evirs stated that as soon as we get the warranty in hand, we will pay the remainder as soon as possible, providing all the paperwork is in place.

Discuss letter from former Apponequet Boosters President

Chair Yeatts stated that the Board received a letter from Kathy McGonigle, the former President of the Apponequet Boosters in reference to a letter sent to the Boosters Club regarding their upcoming tree sale, specifically about a previous truck delivery that damaged the Town House lawn. Ms. Garbitt stated that this occurred the first year after we had the new lawn. Ms. Garbitt noted there was no damage last year. It was put in the letter as reminder.

Adjournment

Upon a motion made by Selectman Evirs and seconded by Selectman Maksy, the Board

VOTED: To adjourn the meeting at 3:01 PM.
 Unanimous vote.