

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
October 3, 2011 - 7:00 PM

On October 3, 2011, 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 Olivier at 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Belliveau and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. No one was recording the meeting.

7:00 PM Meet with Town Accountant to discuss technology for the Board of Selectmen

Cynthia McRae, Town Accountant & Debra Kenney, Town Treasurer/Tax Collector, were present for the discussion. Chairman Olivier stated that he had been thinking about having the Selectmen's agendas distributed electronically to save on the cost of paper. The Board members would be able to view their agendas electronically and use laptops or I-pads at the meetings. He also stated that he would like email addresses set up for the Board of Selectmen members. Ms. Garbitt mentioned that the only difficulty would be with a set of plans or another large document. Chairman Olivier suggested that the physical plan could be left on the Selectmen's desk for viewing. Ms. Kenney noted that the Town Office Building does not have wireless capability. Daniel Hopkins, Fire Chief, stated that the Fire Department will be putting in either Comcast or Verizon since they are being required to have their own separate internet access. Ms. McRae will ask Verizon or Comcast to also provide that service to the Town Office Building for the offices. Ms. Craig said she could scan the agenda documents and email the entire agenda to the Board and the press such as the Town of Middleborough does. Discussion then took place of topics such as the Open Meeting Law, having enough agendas and copies of the total packet available for the press or anyone else who requested one. Chairman Olivier suggested to at least start scanning his agenda for him to try it. Selectman Maksy explained that technology is sometimes not reliable, and he would rather get his packet in paper to have it to read since he does not always have wireless or internet technology available. Mark Burrige from the Middleboro Gazette asked what kind of results Chairman Olivier was looking for in order to determine if the new process would work. Chairman Olivier stated that he wanted to see if the internal process works, and if he would be able to get through all the documents and read them. Selectman Maksy stated that there should also be a router and perhaps a wireless printer

7:15 PM Meet with Treasurer about auctioning Town Owned Properties

Debra Kenney, Treasurer/Tax Collector, was present for the discussion. Ms. Garbitt stated that she had questioned the values on some of the properties, so she asked the Building Commissioner to go out to see if there were buildings on the properties. There is one (1) property (34 Beechwood Avenue) that the house had burned down, but that was over two (2) years ago so the site is considered abandoned and cannot be built upon. 9 Violet Street is currently being used as a garden by the neighbors, and some debris has been dumped there. There are 16 properties that have been foreclosed upon and two (2) that have been donated to the Town by the owners. The list shows the amount of unpaid taxes. Land Court fees and legal fees would be added to the unpaid taxes for the minimum bid.

Ms. Kenney stated that most of the land is only valuable to an abutter since it is too small to build on. She still has the names of some of the people who were interested in the parcels previously. The Town would also need to get an auctioneer as well to sell the properties. Once sold, they could be put back on the tax rolls. The auction can take place at the Town Office Building and can be done in one (1) day for all of the properties.

Ms. Grubb stated that she would like to have the opportunity for the Open Space Committee to look at the list and make a recommendation on the parcels. There might be something that the Town might want to hold onto. Ms. Garbitt mentioned that there is a larger parcel off of School Street, however, it is landlocked. She had tried to contact the abutters about it years ago, but no one was interested at that time. Selectman Belliveau stated that selling the additional parcel to an abutter may also help from pollution going into the pond by allowing a septic system to be put in by having a little bit more property. He stated that he thought the Open Space Committee was only interested in big parcels of land. Ms. Grubb stated that the Committee may be looking for shorefront property for the community, since people want more access to the ponds than the residents currently have. Selectman Belliveau stated that these are small properties though. Ms. Grubb stated that the next meeting of the Open Space Committee will be on the 13th of October. Once the Committee has reviewed the properties, they can provide comments or recommendations by the Board's next meeting on October 17th.

Ms. Garbitt noted that the three (3) properties listed on the second page were purchased by the Town several years ago to help preserve the quality of the pond and ground water. Town Meeting approved \$50,000.00 to purchase these types of properties, but only \$4,000.00 was used. If these three (3) properties were sold, the proceeds should be used to pay off the debt. By having an auction, there would be an opening bid, which would be what is owed plus the legal fees. The minimum bidder is the Town. If no one bids on the parcel, then the Town might be able to take a lower bid. Selectman Maksy stated that the Treasurer will have to check on how this needs to be handled, since it has to be advertised. The Board will take a look at the properties and also allow the Open Space Committee and Conservation Commission to review the list.

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

VOTED: To allow the Treasurer/Tax Collector to sell the available properties once they have been reviewed by the Board and the Conservation Commission and Open Space Committee.
Unanimous in favor.

7:30 PM Meet with Dan Hopkins regarding repairs to a Fire Truck; the 10 acre Conservation Restriction for the Ted Williams Camp; Mutual Aid for Public Safety and posting for Fire Clerk Position

Daniel Hopkins, Fire Chief, was present for the discussion. Chief Hopkins spoke on the pumper trucks. The newest pumper, Engine Number One, does not have a lot of miles on it, but the vehicles are worked hard and there is wear on them. The odometer may read 3,500 miles, however, it may be over 35,000 miles on the engine. This is a 1997 truck and Chief Hopkins has

an estimate of \$15,808.46 to make repairs to it. A quote was received for repairs to Engine Number Two, which is a 1987 truck. This engine needs approximately \$31,000 worth of work to be operational. Chairman Olivier asked what a used truck might cost. Chief Hopkins responded that it would depend on how old the truck is. The Town should not go any older than what it has now. The information has not been presented to the townspeople, so that they are aware that the Fire Department needs a pumper truck. Chief Hopkins stated that the Fire Department is at a point where almost as soon as a truck is fixed, the next time it is used, something else breaks on it. Chairman Olivier stated that people are wanting the Town to buy the property next door and if the Town does, what is that saying as a Town when the Fire Department needs a vehicle and is buying property. Chief Hopkins stated that as the Fire Chief he is just saying what the Fire Department needs. Chief Hopkins would like to sit with the Capital Expenditure Committee, the Finance Committee and the Board of Selectmen to discuss the needs of the Fire Department. It is not known if the equipment will just fall through the bottom since the body is in such bad shape. The third pumper is a 1983 model. A good shelf life for a fire truck is 20-25 years. With engine number 2, the biggest expense is to fix the pump. In all, about \$80,000 is needed to fix all three (3) of the trucks. Trucks 2 and 3 are the ones in dire need of repairs, due to their age and deterioration. They were not even able to pass the pump test.

Ms. Garbitt stated that the Capital Expenditures Committee was in favor of the Fire Department purchasing a new truck; however, there has just been no funding to make such a large purchase. It was sent to the Finance Committee. Selectman Maksy stated that since there were bigger priorities, the purchase of the truck had to be cut. Chairman Olivier suggested to fix one (1) truck, purchase a used one for now, and then plan on purchasing a new truck in 2015 or later. Chief Hopkins stated that his proposal would be to buy a new truck and a used truck. Does the Town really want to spend \$31,000 to fix a 24 year old vehicle? Selectman Belliveau stated that it does not make sense to fix a 30 year old truck. Chief Hopkins stated that he is trying to be proactive and protect the Town by requesting a new truck. The Board asked Chief Hopkins to look into a used truck in the years 1995-2000 and return with some price options. Chief Hopkins agreed to look into this.

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

VOTED: To approve the transfer request from the Reserve Fund in the amount of \$15,808.46.
Unanimous in favor.

Chief Hopkins then discussed the service evaluation form that had been done on Engine Number 2. Selectman Maksy stated that he felt that the Chief needs to put out a Request for Proposals on the repairs to Engine Number 2. Discussion occurred regarding purchasing off of the State Bid List. Chief Hopkins explained that Lakeville will have to call in mutual aid if they need a second pumper truck. Ideally the Fire Department should have three (3) trucks available. He stated that he will obtain quotes on the repair work to Engine Number 2 and then obtain quotes on a used vehicle. Ms. Craig pointed out that if the Town uses the State Bid List, then it does not have to go out to bid. She would need to inquire if there is a contract in effect for fire engine repairs. Ms. Garbitt stated that Chief Hopkins also knows a few companies that have good references that he can get quotes from. Chief Hopkins stated that in the meantime, he will

go on the Chief's network and see if there is anyone that has a pumper that they could spare for the Town to use as a loaner since right now we have two (2) out of service. Chief Hopkins will have the quote on Engine 3 by the next meeting of the Board. He will also let the Board know if he is able to obtain a borrowed truck from another Town and will also acquire some other pricing by the October 17th meeting of the Board.

Chief Hopkins updated the Board on the Conservation Restriction that needs to be put on Ted Williams Camp. Ten (10) acres will need to be taken out for a Conservation Restriction for Ted Williams Camp and then put it back in, through eminent domain, since the Town does not have anyone to hold the Conservation Restriction for the Town. Ms. Garbitt stated that the Town title search would be from 1986 when the Town purchased the property. It should be a minimal amount of legal fees. This would require Town Meeting approval. The property was purchased for recreational purposes. If something else is to be done with the property, other than park land, then the Town would need special legislation.

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

VOTED: To put the Article for the Ted Williams Camp Conservation Restriction on the next Town Meeting Warrant.
Unanimous in favor.

Chief Hopkins then spoke on the Statewide Mutual Aid Programs. Ms. Garbitt stated that she had received two (2) letters dated January 21, 2011 and August 18, 2011 from Massachusetts Emergency Management Agency (MEMA) regarding the Mutual Aid Programs. The Selectmen already voted to accept Fire Mutual Aid (MGL Chapter 48 Section 59A) back on January 10th of this year, and now MEMA is encouraging communities to accept the Statewide Public Safety Mutual Aid Agreement (MGL Chapter 40 Section 4J) and the Statewide Public Works Mutual Aid Agreement (MGL Chapter 40 Section 4K). Chief Hopkins explained that by having both mutual aid programs in place, it would provide assistance to communities in responding to public health and safety events, emergencies, and disasters, and it would allow public works departments to share services, personnel equipment, and supplies to respond to emergencies or natural disasters. Otherwise, the Town would be on its own if these options are not adopted. There is federal assistance money for reimbursement if all Towns get involved in this. There would also be reimbursement to the Town if there was a disaster that the Town of Lakeville assisted another community.

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

VOTED: That the Town will join the Statewide Public Safety Mutual Aid Program MGL Chapter 40, Section 4J, and the Statewide Public Works Mutual Aid MGL Chapter 40 Section 4K.
Unanimous in favor.

Chief Hopkins stated that his Fire Clerk has retired, and she worked 24 hours a week. However, he could use a person for 40 hours each week. If he had more money in his budget, he would increase the hours. Chairman Olivier stated that if the Town is going to pay health

insurance for an employee, the amount of hours should be 40. Chief Hopkins asked who would pick up the additional costs to make up the difference to the 40 hours. He cannot, unless he gets the funding for the 40 hour position. Discussion then took place on the position. His concern was that if this position was shared with the Selectmen's Office, if there was a big project in the Selectmen's Office, he would lose his clerk. Selectman Maksy stated that he was trying to get away from paying full benefits with only a 24 hour a week position. If someone was hired for 19 hours for the Selectmen's Office and the Fire Department had someone for 19 hours, then both offices could get what they need and there are people looking for work. Selectman Belliveau suggested to just advertise two (2) 19-hour positions. Ms. Garbitt stated that she could definitely use a part time clerk in the Selectmen's office, however, she may be able to share with the Fire Chief. Chief Hopkins said he has the money in his budget for the position, but he does not have the expense for the health insurance in his budget. Chief Hopkins stated that he needs at least 24 hours a week, if not more, for the work that needs to be done. Chairman Olivier stated that the Board is looking at the budget, and he could hire someone for 19 hours. They would continue to see if they can return the five (5) hours to the Fire Clerk position. Chief Hopkins then exited the meeting.

Ms. Garbitt stated that if the Town was able to prorate the health insurance for part-time 20 hour employees, there would be a significant savings on the health insurance expense. Chairman Olivier stated that right now, the Town cannot afford to pay the health Insurance or even fix a fire pumper. There was further discussion about the posting of the position. The Board should be notified of all job postings.

8:00 PM Meet with Open Space Committee to discuss results of June Open Space Survey

Linda Grubb and Donald Foster, members of the Open Space Committee, were present for the discussion. Chairman Olivier briefly went over the Open Space Plan. Mr. Foster explained that what came out of the Open Space Survey was that people did not know the names of some of the Town's smaller parks. In essence, the message is that the 2011 survey validates the three (3) year old survey that was done online. Ms. Grubb added that it was necessary to have the new survey so that if the State comes back and feels that the results of the previous survey were not valid, the newer version can be provided. The State just needs a letter that the Board of Selectmen received the Open Space Plan for review. That letter has to go into the final version.

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

VOTED: To accept the Open Space Plan as written and to provide a letter to the Open Space Committee that the Board of Selectmen has received a copy of the plan for review.

Unanimous in favor.

Discuss Restoration of Employee Hours

Chairman Olivier stated that the Town Administrator had compiled a list of recommendations for the Board regarding the restoration of some employee hours. Discussion took place on the memo. Ms. Garbitt stated that the part time clerk at the Senior Center was cut to one (1) hour a

week. Previously she had worked a few hours a week. The Assessor's Office is behind, so she recommended that they hire a 40 hour a week Clerk and restore Norman Taylor's three (3) hours so that they have three (3) full time 40 hour employees in their office. There is also enough in the FY11 line item for the Assessor's Clerk to restore the Assistant Town Clerk three (3) hours and three (3) hours for the Clerk in the Town Accountant's office. The funds can be transferred at a Special Town Meeting. She will discuss this with the Assessors to make sure that they agree.

Discuss formation of Insurance Advisory Committee

Chairman Olivier briefly updated the Board regarding the formation of an Insurance Advisory Committee. At the August meeting of the Gateway Health Group, the consultant from EBS Foran distributed a power point presentation and stressed to all members to get their Insurance Advisory Committees going. With the new health insurance reform law, the Town can go with to the most popular Group Insurance Commission (GIC) program, which is the Tufts Navigator Plan (PPO) and that would be an additional savings for the Town. Ms. Garbitt said the process begins by the Treasurer writing a letter to the unions and retirees asking for a representative to the Insurance Advisory Committee. There will also be a non-union member.

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

VOTED: To ask the Town Treasurer to notify the four (4) groups (Police, Fire, Non-Union, and Retirees) asking for a representative from each group to participate on the Insurance Advisory Committee.
Unanimous in favor.

Review Waterways License Application for Dana and Sandra Duree-151 Staples Shore Road

Chairman Olivier explained that James Marot signed the Environmental Protection Waterways License Application as the Planning Board Chair in Acushnet and it should be the Town of Lakeville. This needs to be amended; otherwise there are no comments on the application from the Board.

Review and execute MBTA Easements for Commercial Drive

Chairman Olivier reviewed the easements being requested by the MBTA for Commercial Drive.

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

VOTED: To accept and sign the MBTA Easements for Commercial Drive.
Unanimous in favor.

Announce Notice from the Park Department regarding closure of all Town Owned Parks

Chairman Olivier noted that the Park Commission met on September 27, 2011 and with the advice and recommendation of the Lakeville Board of Health, the Park Commission voted effective immediately to close all Town owned parks at 6:00 PM daily due to the elevated risk of EEE.

Request to use Town House for Annual Christmas Tree & Wreath Sale-Apponequet Boosters-December 10th and December 11, 2011

Chairman Olivier read the request from the Apponequet Boosters to use the Town House for their Annual Christmas Tree and Wreath Sale on December 10 and 11, 2011.

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

VOTED: To approve the request by the Apponequet Boosters to use the Town House for their Annual Christmas Tree & Wreath Sale on December 10th and December 11, 2011. No chain saws or power tools are allowed to be used.
Unanimous in favor.

Review and vote to accept Selectmen's Meeting Minutes of July 25, 2011, September 27, 2011 (2 sets)

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

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

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

VOTED: To approve the Selectmen's Meeting Minutes of September 27, (both sets) 2011 as presented.
Unanimous in favor.

Review and vote to approve Executive Session Meeting Minutes of June 27, 2011, July 25, 2011; August 1, 2011; August 22, 2011; September 22, 2011

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

VOTED: To approve the Executive Session Meeting Minutes of June 27, 2011, July 25, 2011, August 1, 2011, August 22, 2011 and September 22, 2011 as presented.
Unanimous in favor.

New Business

Ms. Garbitt stated that the Cross Country Team was not able to hold their car wash on the previously agreed upon date and would like to change the date to October 8, 2011

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

VOTED: To approve the change of the Cross Country Team's car wash fundraiser to October 8, 2011.
Unanimous in favor.

Chairman Olivier stated that he meant to speak with the Superintendent at the Regional Finance Committee meeting about the longevity payment for two (2) teachers, but he did not have the opportunity to. The Town of Lakeville is also looking for reimbursement of the school vans since the Town paid off the loans and has not yet received payment from the School Department. Ms. Garbitt stated that there is \$30,000 that should be reimbursed to the Town. Ms. Garbitt mentioned that Chris Peck, Superintendent of Streets, also brought up the matter of snow plowing at Assawompset School now that it is part of the Region. Do we assess the Region? He used to plow Assawompset before, but now it is a Regional School. Ms. Garbitt brought up the matter of the computers at Assawompset. In the past, Lakeville had to pay to dispose of the computers when they were replaced, and that is a cost to the Town. If this happens again, then the Region should be charged. Lakeville still assesses the Region for fuel for the Special Needs vans.

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

VOTED: To send a bill to the Regional School Department in the amount of \$30,000 for the cost that was paid by the Town of Lakeville to pay-off the SPED vans that are now being used by the Region.
Unanimous in favor.

Selectman Maksy stated that the Board also needs to make sure that the Superintendent of Streets does not plow Assawompset School any longer since it is a Region school now. Selectman Belliveau suggested sending a letter to the Region asking them to advise the Town of Lakeville what will happen when winter comes and plowing needs to take place. Minor discussion then took place on the insurance. Chairman Olivier asked to send the Region a letter asking for a Certificate of Insurance. Until Lakeville has a lease agreement in place for Assawompset, it is not known who is responsible for what. Chairman Olivier stated that Lakeville is not to incur any operational costs with respect to sanding and plowing. The Town needs to know where the lease is and to know who will be responsible for what. School has been in session for a month, and the Superintendent is responsible for the day to day operations. Chairman Olivier asked to invite the Superintendent to the next meeting of the Board on October 17, 2011.

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

VOTED: To send a letter to the Regional School Department stating that the Town of Lakeville will no longer be responsible for plowing snow at Assawompset School.
Unanimous in favor.

Old Business

Ms. Garbitt brought up the topic of rain barrels as discussed at the previous Selectmen's meeting. Chairman Olivier stated that he did not realize the specifics when this was discussed previously with the Board. The Town is required to spend 25% over the amount that it has been fined. He recommended that the Town just pay the fine to have the matter resolved. It had been hoped that the Town would benefit by obtaining gutters for the buildings. However, it seems that the Town will not be able to obtain anything that it needs. Right now the amount of the fine is \$3,000. If the Town were to opt to purchase the rain barrels as a solution, then the Town would have to pay 25% more, which would be \$3,500.

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

VOTED: To pay the fine of \$3,000 to the Environmental Protection Agency (EPA).
Unanimous in favor.

Other Items

1. Notice from the Historical Commission regarding Assawompset School's 100th Year Celebration in 2012
2. Letter from Building Commissioner regarding 2 Montgomery Street – Wayne Frates
3. Letter from Town Clerk regarding Election Costs for Special State Primary and Special State Election
4. Notice from Governor Patrick regarding meeting of Municipal Affairs Coordinating Cabinet-October 7, 2011
5. MassWildlife Advisory
6. Letter from Comcast regarding programming change
7. Memo from Kopelman & Paige regarding Common Issues Involving Alcoholic Beverages Licensing
8. Mass Wildlife Newsletter
9. Notice from the Coalition for Zoning Reform regarding the Massachusetts Smart Growth Alliance's letter of support for the Comprehensive Land Use Reform Partnership ACT.

At 10:25 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter Executive Session and not return to Open Session to discuss strategy with respect to the Collective Bargaining Agreements with the Fire and Police Unions and with non-union personnel, and to consider the purchase, exchange, lease or value of real estate, because an open meeting may have a detrimental effect on the negotiating position of the Board.
Polled vote: Selectman Belliveau – Aye, Selectman Maksy – Aye and Selectman Olivier – Aye.