

**SELECTMEN'S MEETING**  
**Monday, October 5, 2009**

On October 5, 2009, the Board of Selectmen held a meeting at 4:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Maksy at 4:10 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant.

**Review draft for renewal of Intermunicipal Agreement with the City of Taunton**

Selectman Yeatts presented the draft for the renewal of the Intermunicipal Agreement (IMA) with the City of Taunton. She told the Board members that there were a few changes from the draft they previously received and suggested reviewing the agreement page by page. Selectman Yeatts said there were no changes to the first or second page. Selectman Evirs said on Page 3, Section 102, Item 13, water tank is defined as a 500,000 gallon water tank. This tank is meant to be expandable. If we go over 500,000 gallons, would this void the IMA? Ms. Garbitt said Town Counsel said we would have to amend the IMA. Selectman Evirs asked if we could put in the expansion amount. Selectman Yeatts said by the time we expand, we will probably own the water system. Selectman Evirs said Taunton may not allow us to expand it. Chairman Maksy said maybe it should say expandable up to 750,000 gallons. Chairman Maksy asked why don't we just say a 500,000 gallon expandable water tank. Right now we are putting in a 500,000 gallon water tank. Selectman Yeatts said if we change our plans, the funding might be in jeopardy. Selectman Evirs said we have designed the water tank for 500,000 gallons and is capable of being expanded, and it should be defined as such.

Selectman Yeatts pointed out Page 4, Section D, we had to retain ownership and responsibility for the booster station, and Taunton will maintain it. We will have to insure the building. Selectman Yeatts said this IMA will roll all of our IMA's into one for a usage of 300,000 gallons per day. She noted that the Board is not signing the IMA today, but we need to move forward and bring this to Taunton. Selectman Evirs said on Page 5 talking about the Master Meter, we are able to plan our exit strategy. It's great to have our exit strategy and to have master meter ability. We have been talking about regionalizing services and not duplicating services in neighboring towns. If we become a master meterer, doing our own billing, we are duplicating services and breaking down the regional concept. If we agree to Taunton doing the reading of meters and billing, it's a regional service. Ms. Garbitt said we should do a cost analysis to see what the cost would be for the master meter. Is it more cost effective to buy the software, hire staff and equipment to read the meters. Discussion occurred regarding who would install a master meter (Section 203, B1). Perhaps it should read "should the buyer request that a master meter be installed..." It was suggested to use the wording from Town Counsel (Page 8 – Section 304). That section reopens the IMA and we would negotiate. Selectman Evirs said under Page 5, Section 203, Items B1, 2 and 3 that is where to insert the revised language. Selectman Evirs said he thought it is better to be regional with the City of Taunton. Selectman Yeatts said for the future, Taunton would always be doing our maintenance. Selectman Evirs said on Page 8, Section 301 under Rates, this guarantees that the rates for Lakeville customers are the same rates for Taunton's customers. Chairman Maksy said Section 303 means we can't give the water to ourselves. Selectman Yeatts said we would have to pay for

water. Selectman Evirs asked if the City Council has to sign the IMA. Ms. Garbitt said they will authorize the Mayor to sign.

It was agreed to send the IMA to Town Counsel for review. Selectman Evirs said you could even put somewhere in the IMA that expansion of this tank would require approval of both parties. Chairman Maksy said the 500,000 gallons is just a definition. Selectman Yeatts said the 500,000 gallons is sized for five (5) times more water than what we are using right now. Selectman Yeatts said on Page 4, Section 202, Item E under water tank, is that where you would like to put the wording about the expansion of the tank. It was agreed to make that revision. Selectman Yeatts said that DEP wants the IMA done by the end of the month.

Cindy Dow of the Middleborough Gazette said at Town Meeting, the Board spoke about adding a certain amount of money per gallon as a fee for users of Taunton water. Will that be in the IMA? Selectman Yeatts said it does not have to be in there. Selectman Evirs asked where was the provision allowing us to charge. Selectman Yeatts said it would be a charge per unit. Selectman Evirs asked who would do the collection of the fees. Selectman Yeatts said Taunton provides us with readings. Selectman Evirs asked if we are going to bill this out. Chairman Maksy said we would like Taunton to bill a service charge on Lakeville customers. Selectman Yeatts said Taunton does not care what we charge as long as they are paid. She said we may need another agreement outside of this. Selectman Evirs said we have not even had a public hearing regarding betterment and user fees. Selectman Yeatts said we could ask Taunton to collect the money and charge us for it. Ms. Garbitt said Taunton's software cannot issue a fee for just Lakeville customers. Selectman Yeatts said if we were to collect that, the usage fee would have to pay for the software and labor, as well as, the payment for the water tower. Selectman Yeatts said she assumed we were going to buy the software and do our own water billing. She would like to go to Town Meeting and have the Selectmen appointed as Water Commissioners and establish an Enterprise Account.

A discussion occurred regarding how to bill and collect a user fee. Selectman Yeatts said she planned on the first two (2) or three (3) years of payments will come from the Water Stabilization Account. Chairman Maksy said we could make up to \$300,000 a year billing customers. Why don't we just take the system now and buy the water at wholesale rates. Selectman Evirs said we have the ability to charge existing customers right now without the water tower existing. The problem is we don't know how to get the bill to the customer right now. Town Meeting gave the Selectmen the ability to charge betterments and fees. Why wait until the water tower is built? Chairman Maksy said that would help pay for the water tower. Selectman Evirs said we know we are building the water tower. Chairman Maksy said the day we make our first payment on that loan; the current users should pay for the use of Taunton water. Selectman Evirs said a penny a gallon would be more than adequate to cover the cost of the note. Selectman Yeatts said we never said we would start charging a fee immediately. Selectman Evirs said as soon as we build it, we have to pay for it. Selectman Yeatts said she didn't think we can put a \$200,000 payment on a certain amount of users. We don't want to run our businesses out of Town in these bad economic times. Chairman Maksy said we should be buying this water at a littler better than retail. Selectman Evirs said he didn't think Taunton would sell it to us for less. Chairman Maksy said building the water tower helps Taunton's water customers in Lakeville. Lakeville is paying for the water lines here and giving Taunton the

revenue. Selectman Evirs asked that Town Counsel be consulted regarding if we determine user fees based on usage, how are we going to collect the fees. We could vote a user fee next month and bank the money. Selectman Yeatts said Jack Hamm from DEP was very firm: no IMA with Taunton, no stimulus monies. Chairman Evirs said doing the math, 150,000 gallons per day x 365 days; divided by 7 at one penny per cubic foot we make \$78,000 per year. Selectman Evirs said there are a lot of users that don't even use the minimum billing amount of water. Ms. Garbitt said the Senior Center doesn't use the minimum billing amount. Selectman Evirs said we would charge fees for usage and for reserve gallonage for unbuilt projects. If your project is on the books for five (5) years, you are going to pay for the reserved amount of water or we are going to give it to someone else.

It was decided to talk about a fee structure at the October 19, 2009 meeting. Selectman Yeatts said she would ask Cathal O'Brien and Town Counsel how we can start charging user fees based on usage. Selectman Evirs asked if the fees can be put into the IMA. Ms. Garbitt said Mr. O'Brien said we could start charging fees anytime, but he didn't say Taunton would do it. Chairman Maksy said our Tax Collector could do it. Ms. Garbitt said we would need more help in that office. Selectman Yeatts said if Taunton had the software, why can't they prepare the bill and ship us the bills for mailing. She said right now, Lakeville's daily average use is 88,000 gallons. Selectman Evirs said we need to know who is allocated what amounts. Chairman Maksy said we can go back to our customers and ask them to rethink their usage. Selectman Yeatts said they would only pay Taunton for their usage, but pay us for their allocation. She said that is another question, can we charge them a fee for water that they don't actually use. Selectman Evirs felt if they are allocated 50,000 gallons per day, they would pay a user fee for 50,000 gallons.

### **Adjournment**

At 5:12 PM, upon a motion made by Selectman Yeatts, seconded by Selectman Evirs, the Board:

VOTED: To adjourn their meeting.  
Unanimous in favor.