

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**October 10, 2012 - 7:00 PM**

On October 10, 2012, 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 Belliveau and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow representing The Middleboro Gazette was recording the meeting.

**7:00 PM Meet with Library Trustees regarding the FY13 Waiver and the sprinkler system at Library**

*Olivia Melo, Library Director and Library Trustees Ruth Gross and Nancy LaFave were present for the discussion.* Ms. LaFave stated that the Library is trying to deal with the budget for the water. When the Library was being built, the concern over the expense of water was raised, primarily for the sprinkler system. A big expense is when people run over the sprinkler heads with their cars when they park where they are not supposed to park. Ms. LaFave said there has been talk about tying into the existing water line at the Ted Williams Camp. The water bill for the Library is a little over \$3,000 a year. Even with the sprinkler system, having a green lawn is not always successful since the grass has full exposure daily by the sun, and there is very little shade. Ms. LaFave stated that they have not had the waterfall running for three (3) years now. The original estimate to connect the sprinkler system to the Library's well was approximately \$3,000. However, when they went to do the installation, there was a lot of electrical work needed, so the bid was revised to \$7,558. The cables and wires needed to be changed since the present well pump is not strong enough. Ms. LaFave noted that the Library Board of Trustees voted to tie into the Ted Williams well for the water for the sprinkler system.

Ms. Garbitt said that the Park Commission will pay the cost to upgrade the current well pump, since they feel they need to upgrade their pump anyway. Selectman Powderly asked about using the little pond next to the Library for water for the sprinkler system. Ms. LaFave responded that she did not think it can be used. Ms. Grubb mentioned that there is a sign there for no water withdrawal since people were pushing the bank in when they were pulling up there to get water. As long as 10,000 gallons or less a day are removed, there is no problem in using that water. Selectman Powderly stated that using that pond might be a far less expensive option. Chairman Maksy stated that the Town will have to get a Water Withdrawal Permit from the State to do that. Ms. LaFave stated that irrigation season is over, so this can be worked on for next season.

Ms. Melo stated that each year, the Library has received a waiver from the State. The State still calculates how much of a budget the Library should have, so this puts the Library further and further behind, and we are continually playing catch up. According to the form from the State, the Library will again fall short. We have been able to meet the requirements, material needs, and hours due to the Friends of the Library and grants. Monies are being squeezed from everywhere, but still the Library is not meeting the required appropriation amount. The increase by the State is 1.025% every year, based on population. Ms. Melo said every community in Massachusetts has to meet their funding requirement. If the Library is not funded correctly, then

Lakeville residents will only have access to the Lakeville Library. Looking at the figures for next year, the budget needs to be \$288,500. In FY10, big cuts took place in the Library budget. Prior to that, the Library was funded correctly. This fiscal year, the Library needed to be funded at \$282,149, but it was funded at \$270,135. If the Selectmen require that the Library be level funded, then another waiver will need to be applied for. Ms. Melo noted that there are 357 communities in the State with Libraries. The Board asked if Ms. Melo could find out how many communities have applied for a waiver. Selectman Belliveau asked what would take place if the Town fully funded the Library next year. Ms. Melo responded that the Library would be reimbursed \$14,000 from the State and would have to use that to buy books, paper, supplies, etc. The State Aid money is being used to upgrade the computers, which are seven (7) years old. Chairman Maksy stated that no Department in the Town is being funded where they are supposed to be, but only the Schools and the Library are being dictated to on funding levels by the State.

Ms. LaFave asked that the Selectmen declare the week of November 4<sup>th</sup> through the 10<sup>th</sup> as Friends of the Lakeville Library Week. She gave the Selectmen an invitation to attend a luncheon in honor of the Friends and the various volunteers. The event will be on November 10 at 12:00 PM in the Great Ponds Gallery Community Meeting Room.

Ms. LaFave stated that the Historical Commission will be observing Veterans' Day on November 11, 2012 at 1:00 PM. The program will begin at the William Hitchcock Memorial at the Assawompset School Playground. There will be refreshments and opportunities for the Selectmen to speak.

#### **7:15 PM Meet with Christopher Peck, Superintendent of Streets, regarding:**

#### **Discuss the proposed Highway Foreman and Mechanic Job Descriptions**

*Christopher Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck stated that he would like to propose George Taylor to be the Interim Foreman until his Department can post the actual foreman position. He would also like to increase Mr. Taylor's pay by \$1.50 an hour temporarily and grant him use of the Department vehicle since he is on call 24/7. He has the money in his current budget, and would like the pay increase to be retroactive. Chairman Maksy stated that he would prefer that the increase not be retroactive.

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

VOTED: To accept the request from Mr. Peck to appoint George Taylor as Interim Foreman position with a rate increase of \$1.50 more per hour, effective immediately.  
Unanimous in favor.

Discussion next took place with Mr. Peck on the job descriptions. Mr. Peck stated that he is proposing to change the Foreman position from a salary position back to an hourly position. The Selectmen had made this a salaried position for the former Foreman. The new Foreman will not

be coming in at the top step. A draft job description was provided to the Board and when it is finalized, he will provide it to the Board and ask for their approval.

Mr. Peck then discussed the position of Master Mechanic/Laborer with the Board. The person in this position would be able to repair vehicles and also rake the side of road, if that is what needs to be done. Chairman Maksy stated that he would like the job description to be presented to the new unions as well. He then suggested adding in a CDL License is preferred. Selectman Powderly stated that he would like it to read direct supervision instead of general supervision.

#### **Discuss the proposal from BETA regarding the Taunton Street culvert**

Mr. Peck stated that he wanted to find out if something could be done to the existing culvert on Taunton Street, or if it should be left alone. Chairman Maksy stated that he had contacted the company that had submitted the quote for the work. It was agreed to add in the repair and the replacement of the culvert. It also sounds as if they will try their best to salvage the culvert first. Mr. Peck said the Town will need permission from the person who lives there to access the culvert from his yard.

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

VOTED: To authorize Mr. Peck to go along with the proposal from BETA Group, Inc. of \$5,500 with the above noted change. The work will be paid for with Chapter 90 Funds. BETA will be hired to do inspection/design/repair to the culvert, based on their recommendations.  
Unanimous in favor.

#### **Discuss the contract to complete Stormwater Mapping**

Mr. Peck stated he would like to hire BETA Group, Inc. to complete the Stormwater Mapping. They have mapped all the Town's catch basins and outfalls. This contract will locate all the manholes and connect the dots with the drains. This will allow the Town to meet its Stormwater Management requirement.

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

VOTED: To allow Mr. Peck to move forward with the mapping of the Stormwater System.  
Unanimous in favor.

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

VOTED: To authorize Ms. Garbitt to sign the contract with BETA Group, Inc. for the mapping of the Stormwater System.  
Unanimous in favor.

### **Discuss the North Precinct Street at grade railroad crossings**

Mr. Peck stated that he sent a letter to CSX regarding the railroad crossings on May 19, 2012. There had been issues at the crossings on Leonard Street and North Precinct Street. The railroad beds are maintained by CSX. They did repairs to the crossing on Leonard Street. Now the railroad ties are popping out at North Precinct Street. Mr. Peck said we have found out that it is the Town's responsibility to repair the crossing. He has contacted Mass Coastal to get specifications for the repairs for the crossing. The Town will pay for the repairs up front and then the State will reimburse the Town. He will use Chapter 90 Funds, since there is no money in the budget to do this.

### **Discuss possible closure of Bridge and Taunton Streets during paving operations**

Mr. Peck stated that Bridge and Taunton Streets will be paved this fall. The contractor has asked if the Town could shut down the road so that there would not be a center seam and it would be quicker. The Selectmen would prefer that the road remain open to local traffic and emergency vehicles.

Mr. Peck stated that the bridge over the Nemasket River is the Town's responsibility, and it is failing. The Bridge Report that was done by the State in March gives it a grade of 6. He has been taking care of grading the surface, but underneath the strapping is not holding up well. It was built in 1968. It may have been rebuilt, but there is no date provided. The Vaughn Street Bridge received a rating of 9.

### **7:45 PM Meet with Emery Orrall to discuss a sign for Betty's Neck property-rescheduled**

This item was tabled until the next meeting of the Board.

### **Review Lease for Assawompset School**

Selectman Belliveau suggested tabling the matter until the Board knows exactly what is going to happen. Freetown still has not been given a lease for their elementary school. Selectman Powderly asked if the Town is sure that the buildings are insured, and asked who the check would be made out to if something catastrophic happens. Ms. Garbitt responded that the Town is the insured party. The Region is insuring the contents.

Ms. Garbitt stated that she is aware that the Board is concerned with capital costs. The draft lease has been sent to Town Counsel. The Town's Insurance Agent has reviewed the insurance clause. Chairman Maksy stated that right now, the Region can lease out the school. He would like the Regional School Committee to review the lease. Selectman Powderly stated that he was concerned if \$1 million in damages occur to the school, and the Town is only reimbursed \$500,000, who pays the remaining \$500,000. Ms. Garbitt responded that it depends if it is insured for replacement value. Selectman Powderly asked if the school is insured for replacement value. Chairman Maksy stated that he would like to know the answer to that question for all the buildings. Selectman Belliveau stated that the GRAIS agreement should have gone away when the Towns fully regionalized. Selectman Powderly stated that he is not

sure what determines what school gets closed if a school needs to be closed. Selectman Belliveau stated that it would be the School Committee. Selectman Powderly stated that he wants a study done on the condition of the building, roofs, heating, etc. Ms. Garbitt then went over other sections and capital costs, and asked what the Board thought about the 60 day provisions. This is the time of year that she sends out the Capital Plan Requests. The Town needs to know if anything needs to be done to the school, if it is over \$5,000, it will need to be budgeted for. Chairman Maksy stated that the 60 days is good.

### **Review Board of Selectmen Priority List**

The Board and the Town Administrator reviewed the Priority List and made a few minor changes.

### **Discuss authorization for Payment of Prior Year's Expense**

Ms. Garbitt stated that there is enough money in the prior year's expenses to pay the invoice from the Plumbing Inspector. The Board then discussed why the bill was submitted so late for payment. Chairman Maksy stated that the Town will pay the late invoice this one time, but he wanted to make sure that a stern letter goes out saying that it is not to happen again or it will be grounds for termination. Chairman Maksy stated that this is a written warning, and will go in the file.

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

VOTED: To send a stern letter from the Board of Selectmen that late invoices for inspections will not be tolerated.  
Unanimous in favor.

### **Discuss the status of the Wage & Personnel Board**

Chairman Maksy stated that the Wage & Personnel Board does not have to meet right now due to the ongoing union negotiations. The Selectmen will act as the Wage & Personnel Board for any upcoming issues.

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

VOTED: To ask the Wage and Personnel Board to suspend all activities until further notice.  
Unanimous in favor.

### **Discuss Performance Review Process for Board of Selectmen Departments**

Chairman Maksy stated that he will begin working on the Town Administrator's performance review. He will place the review on an upcoming agenda for the Board to discuss. It will have the goals for the upcoming year. The Board will discuss the goals six (6) months later to determine if they are being met or if there is a need to take corrective action. Chairman Maksy noted that only the Town Administrator's performance review is done in public. He noted that

the Town Administrator's review is overdue; the last review was done in 2008. There are also 13 other employees that fall under the Selectmen that need to have reviews done. Selectman Powderly stated that Ms. Garbitt's review would be based on the past six (6) months and for other employees, the past year. Chairman Maksy stated that he will pick four (4) items for the Town Administrator to improve on.

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

VOTED: To have the Chairman review the other 13 Employee Performance Reviews with the Town Administrator.  
Unanimous in favor.

### **Discuss FY14 Budget and Five Year Capital Plan**

Ms. Garbitt stated that she has begun working on the revenue numbers and would like to get the FY14 Budget memo out to the Department Heads. The Plymouth County Retirement figure is not known yet. She asked what kind of budgets would the Board like to see from the Departments. Chairman Maksy stated that he would like to see status quo with a wish list. Selectman Powderly stated that he would like to see step increases and all that broken out. Ms. Garbitt stated that there are six (6) employees that are not at the top step, so she can break that out. Selectman Powderly stated that he wants transparency to what really goes on with steps and longevity. Chairman Maksy suggested that the Board could have the Town Administrator send a public records request to the Region to obtain their salary information since no matter how much the Boards asks, it is not received. Ms. Garbitt will ask for the breakdown. Ms. Garbitt will also send out the Capital Plan requests. Selectman Belliveau stated that he will try to keep the debt within 10% of the short term debt as was done last year.

### **Review and vote on Presidential Election Warrant-November 6, 2012**

Chairman Maksy said that the Town Clerk had requested the Selectmen to vote on the Presidential Election Warrant.

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

VOTED: To waive the reading and to sign the Presidential Election Warrant for the November 6, 2012 election.  
Unanimous in favor.

### **Review request from Town Clerk to appoint additional Election Workers for November 6, 2012 Election**

Selectman Belliveau read the names that the Town Clerk submitted for appointment of additional Election Workers. Ms. Craig mentioned that the Town Clerk submits the names for appointment. Chairman Maksy asked how the poll workers names were selected. He would like to have vacancies placed on the Town's website. Ms. Craig stated that letters go to the State

Political Committees, not the Local Committees. It is up to them to filter it down to the Local Committees.

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

VOTED: To appoint the following people as Election Workers with terms to expire on August 15, 2013: Margaret Caron; Judy Roberts; Julie Ketler; Karen Keohane; Joann Chuippi and Frederick Beal.  
Unanimous in favor.

#### **Request for Storage Trailer Permit Renewal-10 Fern Avenue**

Chairman Maksy read the request for the renewal of the Storage Trailer Permit for 10 Fern Avenue.

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

VOTED: To approve the renewal request for a Storage Trailer Permit at 10 Fern Avenue with an expiration of October 19, 2013.  
Unanimous in favor.

#### **Request for Road Opening Permits to install Verizon FiOS-Josh Road and Trinity Lane-White Mountain Cable**

Chairman Maksy reviewed the request for Road Opening Permits from White Mountain Cable to install Verizon FiOS on Josh Road and Trinity Lane.

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

VOTED: To approve the Road Opening Permits for White Mountain Cable to install Verizon FiOS on Josh Road and Trinity Lane, per the Superintendent of Streets letter dated October 10, 2012.  
Unanimous in favor.

#### **Vote to accept resignation of Luke Leonard from Middleborough/Lakeville Herring Fishery Commission**

Chairman Maksy read the resignation letter from Luke Leonard from the Middleborough/Lakeville Herring Fishery Commission.

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

VOTED: To accept the resignation of Luke Leonard from the Middleborough/Lakeville Herring Fishery Commission and send a letter of thanks for his time for his service on the Commission.  
Unanimous in favor.

**Request from Permit for Outdoor Entertainment for wedding reception-Back Nine Club-October 20, 2012**

Chairman Maksy excluded himself from discussion on this topic. Vice Chairman Belliveau read the request for the Outdoor Entertainment Permit on October 20, 2012 at the Back Nine Club.

Upon a motion made by Selectman Powderly; with Vice Chairman Belliveau stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Permit for Outdoor Entertainment for a Wedding Reception at the Back Nine Club on October 20, 2012.  
Unanimous in favor.

**Review and vote to approve Meeting Minutes of May 21, 2012**

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

VOTED: To approve the Selectmen's Meeting Minutes of May 21, 2012 as presented.  
In favor 2, Abstain 1 (Selectman Belliveau).

**Review and vote to approve Executive Session Meeting Minutes of September 24, 2012**

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

VOTED: To approve the Executive Session Meeting Minutes of September 24, 2012 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt stated that A. D. Makepeace would be hosting a Massachusetts Municipal Association legislative breakfast this Friday if anyone would like to attend.

Ms. Garbitt stated that the Memorandum of Agreement for the School Resource Officer (SRO) will be put on for the Board's next meeting. The SRO would start November 2, 2012 and the next meeting of the Board is October 29<sup>th</sup>. Town Counsel had a few recommendations about the chain of command and hours. This draft will be provided to the School Committee for their

review. Selectman Powderly stated that the question to Chief Alvilhiera is, if the SRO comes up with suggestions to improve security in the schools, and the schools choose to ignore it, what is the Town's recourse. Selectman Powderly stated that he will speak with the Chief on this. Ms. Garbitt mentioned that time has been included in the agreement for the SRO to go back to the station to do any necessary reports each day.

Ms. Garbitt stated that she and the Building Commissioner went to Boston and met with the Massachusetts Regulatory Board, and they voted and approved the Towns 43D application.

Chairman Maksy mentioned that the application for the Green Communities Designation had been submitted by the Energy Advisory Committee. The report was only missing two (2) items, and the Chairman of the Committee is working with James Porter to address them.

### **Any other business that may properly come before the meeting**

Chairman Maksy said that the bids for the propane gas had been received and opened. The low bidder was Roby's Propane.

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

VOTED: To accept the bid from Roby's Propane Gas at \$.28714 per gallon as the delivery fee and \$.18900 per gallon for other fees and at a rate of \$59.50 per hour for maintenance.  
Unanimous in favor.

### **Other Items**

1. Copy of letter sent to Massachusetts Gaming Commission
2. Letters from Lakeville Arts Council regarding 2012 Arts & Music Festival
3. Copy of changes to the State's Animal Control Laws  
A copy of the changes to the State's Animal Control Laws will be provided to the Building Commissioner. The Town is still waiting for a memo from Kopelman & Paige. Ms. Craig stated that the changes affect how the Selectmen hold dog hearings.
4. GATRA Advisory Board meeting notice – October 11, 2012
5. Notice from SRPEDD regarding upcoming seminars
6. Mass Wildlife News-October 2012
7. Notice from Comcast regarding Channel Line-Up
8. Mass Interchange Newsletter – Fall of 2012
9. Letter received from Steven Monty regarding becoming a member on the Wetland By-law Study Committee  
This letter was forwarded to Emery Orrall.
10. Information from Nelson Pratt regarding proposed rezoning on Bedford Street  
Ms. Garbitt stated that Nelson Pratt had attended the Planning Board meeting last night regarding the proposed rezoning.
11. MMA Alert-Statewide Transportation Meetings
12. Memo from Town Counsel regarding New Veterans Tax Work Off Program

## **Adjournment**

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

VOTED: To adjourn the Board of Selectmen's meeting at 9:45 PM.  
Unanimous in favor.