

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

On November 7, 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. Cindy Dow of The Middleborough Gazette was present, but not recording the meeting.

7:00 PM Meet with Superintendent of Schools and Superintendent of Streets to discuss snow and ice removal at Assawompset School

John McCarthy, School Superintendent was present along with Christopher Peck, Superintendent of Streets and John Olivieri, School Committee Member. Chairman Olivier stated that there is a need to determine how the snowplowing will be done at Assawompset School now that the Towns are regionalized, and who will pay. Mr. McCarthy stated that there will be a lease agreement and both towns will sign it. The Regional Finance Committee should talk about the final lease agreement and how the Towns will handle snow removal at the elementary schools. If Lakeville starts assessing the Region, then Freetown will start assessing as well, so there needs to be an understanding of how this will be budgeted. This matter will be put on the agenda for the Regional School Committee to discuss on November 16th. There will also be discussion about the final lease. Presently, Attorney Mike Long is reviewing the final lease. The Selectmen will want their Town Counsel to also review it. Then there are the items such as computers that may need to go to the Landfill as has taken place in the past. All those types of scenarios need to be looked at now, since in the past, they may not have been charged to the School budget.

Chairman Olivier stated that Lakeville was charged back for the use of the pool and other matters by the Region, so it is only fair that all things be considered now that full Regionalization has taken place. The Town would be happy to provide these things, but also feels that a nominal charge should get charged back to the Region. Mr. McCarthy stated that these are issues now and anything you do will impact both towns. If Freetown is also going to assess, that will be more money coming out of the budget. Selectman Maksy pointed out that Freetown allows their school for Town use as well. Mr. McCarthy stated that they do use it for meetings. However, when doing the same negotiations with Freetown, it needs to be clear that there is some equity involved. The parking lots are not the same size, Freetown has a bigger lot. Chairman Olivier stated that he thought that there were two (2) options, a monthly fee or a storm fee. Chairman Olivier stated that the Town will get the benefit of the economies of scale since the Town will be doing the roads and Town buildings. Selectman Maksy pointed out that that is a maybe. It might end up being a private contractor that does this work, so the Board needs a clear idea of what the cost is going to be. Mr. Peck added that it is also going over to the schools after a large storm and pushing all the piles back. Selectman Maksy asked if Lakeville charges for fuel. Ms. Garbitt responded that they did. Chairman Olivier stated that for the snow, Lakeville will continue to maintain the parking lot at Assawompset and Mr. Peck will break out the cost to plow at various inches/depths of snow.

Chairman Olivier stated that the buyout for the two (2) Assawompset teachers needs to be discussed. Mr. McCarthy explained that the problem from the Region's perspective is that the teachers in question were never Regional Employees. The two (2) teachers retired as Lakeville employees. If Lakeville is looking for the Region to pick up \$10,000 in costs, he does not know how this can be done since they were never Region employees. They were always Lakeville employees. One (1) teacher retired this year, the other the year before. The sum total for both is \$10,000. It is approximately three (3) years of buyout that is under consideration, but the problem is that they have never been Regional employees. How do you use the Regional budget for a Lakeville employee? Lakeville was still carrying longevity buyout on its payroll. Ms. Garbitt stated that the problem for the Town is that nothing was budgeted for this. Mr. McCarthy agreed that Lakeville does not have a school payroll and therein lays the dilemma. They will have to figure out the mechanics for compensation. Lakeville is without the compensation, the School Department is without the employees.

Chairman Olivier stated that when the School Department received the Chapter 70 money and became a Region, they assumed all the liabilities. It is unfortunate that it was not done before, but it is an obligation of the Region. The buyout is a function of the teacher's contract, and since that contract is still in place, it is now the obligation of the Region. Selectman Maksy stated that it has to come out of the Region budget, since it is a function of the Region. Mr. McCarthy stated that the teachers were terminated with the Town and were hired through the Region. The Town had to keep the payroll through the contract year of September 1st. Chairman Olivier stated that the Region then has to issue them a 1099 or rehire them back to issue this compensation. Mr. McCarthy will meet with Carol Gregory to discuss this. This matter has been tossed about for a few months. Ms. Garbitt stated that the payment would have to be transferred to Assawompset's payroll at Town Meeting. Mr. McCarthy stated that he was not the Superintendent when the longevity buyout for the Lakeville schools was signed. Selectman Maksy stated that if it was a Selectman that signed it, then it would seem to be the responsibility of the Selectmen. However, it was the School Superintendent, so it is felt that they then have the obligation. Mr. McCarthy asked when these payments typically made. Ms. Garbitt responded that she was not sure if it is paid in a lump sum or each year on the anniversary date of hire. Mr. McCarthy stated that he has not heard from either of the individuals as of yet.

Chairman Olivier then brought up the school vans. Mr. McCarthy stated that this is a more challenging issue since it is a large number, \$30,281.21. When the regionalization process began, it was hoped to come out clean without debt. Unfortunately we learned in late spring about the school van debt. If this was known, it would also have been paid off so that when Regionalized, the School Department would be free and clear of debt. The School Department tried to leave as much money as was possible in the Lakeville budget at the end of the school year. Mike Ward and Cynthia McRae are going over what the exact number is. Ms. Garbitt stated that the Town did short term borrowing for the vans. Mr. McCarthy stated that somehow this did not get into the financial plan of how to pay this off. Chairman Olivier stated that there is an inter-municipal agreement outlining the terms of this as of June. Mr. McCarthy explained that he is aware of that, but the schools are in a transitional period. These matters are trying to be solved and not put all onto the schools. The more money that is taken out of the school budget,

the less money there is available for education. If this debt of \$31,000 has to be paid, then we have to figure out a way to pay it.

Chairman Olivier said when money is appropriated at Town Meeting, you have to figure out how to pay it. You can borrow, lease or appropriate. When you appropriate, you usually list several ways of how you will pay, so that you are not limited in how you will pay. Lakeville chose to short term borrow, paid off the note and transferred the titles to the Region. The Town threw every dollar that was available to the Region for FY12 to make it a success its first year. This was done at the expense of all Lakeville Town Departments. There is no money for Lakeville to transfer from one account to another to pay for this, so it has to come out of Net School Spending (NSS). We want to work through the efficiencies with the Region. It behooves the Region to pay this, to find the money in an account to pay for it. It is unfortunate that Freetown would have to pay for it, but if you are delaying it due to Regional School Committee Members balking at it and the share, that is a part of the cost for the Regionalization process. Freetown got a \$600,000 relief on their assessment last year while Lakeville got the hit. It is not understood why it is being delayed. Mr. McCarthy stated that he felt that this is a discussion for the Regional Finance Committee. Selectman Maksy stated that the Regional Finance Committee can only give a recommendation since the School Committee has to pay this off. The Region took title on the vans with this understanding. It could have purchased new vans, but did not. The Region got a good deal. The deal is half done. The Region took possession of the vans, and if the Region is going to change the deal, then they should return the vans.

Ms. Garbitt stated that when Regionalization happened, both towns agreed that whatever equipment was within the schools went to the Region. However, the vans were different. They did not fall under the equipment of the schools, like computers. Mr. McCarthy stated that they tried to leave as much money in the local budget as possible. They were doing end of year reports the past week and that was the original purpose for this. It would be good to get some acknowledgement that this was what the Region tried to do. All spending was frozen at Assawompset. Everything that could be done at the end of the school year was done to leave as much money in the local budget as possible. There is still the LEAPS program, and it is not known if there is any money left in there. Ms. Garbitt asked what amount Ms. McCrae had remaining in the LEAPS budget? Mr. McCarthy responded that Mr. Ward's number was \$17,000 and Ms. McCrae's number was in the \$20,000's. Chairman Olivier stated that Lakeville also did everything in its power to make sure that the Region got all it could at the expense of Lakeville's Town employees to try and help the situation. Unfortunately, there are some costs that now go forward that need to be dealt with. Selectman Maksy stated that Lakeville is still paying for that debt on the note and for the longevity. Mr. McCarthy stated that the longevity is more a matter about the mechanism of how to pay. No one is disagreeing about the vans, the Region is using them. They were needed for Special Education, and the Region would have had to go out and purchase them. Mr. Olivier stated that the Regional School Committee has not voted on the issue of paying for the vans, since it has not been presented to the Committee. Mr. McCarthy stated that the School Committee has a signed agreement for the vans, but not the payment. This will be put on the next agenda of the Regional School Committee.

Chairman Olivier stated that with respect to the computers, there was a cost to dispose of them the last time due to the hazardous waste. Lakeville is happy to dispose of them, but there is

a cost associated to do so. Lakeville taxpayers should not assume the cost of that. It is one thing to do this for the Local school, but for the Region, there are concerns.

Ms. Garbitt stated that she was wondering if the Superintendent is going to submit a Letter of Interest for the School Building Authority (SBA). Mr. McCarthy stated that some of the procedures have changed with the SBA for the feasibility study and submitting a Letter of Interest. The Town has to agree that they are in agreement with submitting a Letter of Interest. The Superintendent will see Katherine Craven this week and can speak with her about the process. The structural issues were looked at with the feasibility study, but not the curriculum issues. The question will come down to how much money does the Town want to sink into Assawompset in the future. It is not immediate, but it has to be somewhere down the road. Does the Town want to get in the pipeline and do something down the road since it will be some years before it gets paid for. The District is at a Level 3, in terms of a Level 4. Level 4 is the neediest. Level 3 is an identified need. The Town may want to get into the pipeline before it becomes a Level 4, since it may be a few years before funding is received. The Town can wait or move forward, but the Selectmen have to sign off. To have a complete feasibility study done can cost up to \$20,000. Steve Furtado had the last one done and Kaestle-Boos updated it for free. They only did the infrastructure portion though. What is missing is the educational programming piece.

Selectman Maksy stated that as far as the Town is concerned, it would be about the infrastructure. The Town does not have any direction over the school programs. If the study was done, and the State was going to reimburse the Town at 52% like it did for the roof, then the Town should move forward. Mr. McCarthy stated that he will take a look at it and try and speak with someone at the SBA about it. A study tells you what you have and potentially someone could say that the Assawompset School is not worth renovating. An expert opinion is needed. The physical site is tight with no more land to acquire. If the Town tried to build a school there today, it would not have a big enough site for SBA. As a Region, discussion has been taking place about enrollment declining over the next five (5) to seven (7) years. Basically, it is up to the Town to keep Assawompset open as an educational facility. Right now it serves that purpose, even by the SBA's recent view. They have a fairly strong rating, and there is no obstacle there. They come out every three (3) to five (5) years and rank schools. The big issues are the roof, windows and the aging infrastructure. Once it gets into major renovations, then there will be compliance issues since no major work has been done since 1988. The Town can get on the SBA list, and they will give you the indication when it is your turn. However, they have a back log of schools much needier than Lakeville's. Lakeville should get on the list, since Assawompset is the school of the most concern of the school buildings in the Region.

7:30 PM Meet with Phil Benjamin to discuss a Forest Stewardship Plan for the Town

Phillip Benjamin was present for the discussion. Chairman Olivier stated that the Board of Selectmen had previously voted to approve the submission of a Forest Stewardship Plan for Betty's Neck. Mr. Benjamin has been invited this evening to discuss a Forest Stewardship Plan for the Town. Mr. Benjamin stated that the Department of Conservation and Recreation (DCR) funded this grant through the 2008 bill. This program was to encourage private landowners some financial incentive to learn more about their properties. It has proven to be wildly

successful over the past 2 ½ years. Mr. Benjamin had contacted Nancy Yeatts in August since this is the third year of a three (3) year program. Mr. Benjamin was involved with Betty's Neck when it was Decas' property. Once it was acquired by the Town, he had won a contract to develop a plan for that property and in the course of doing some of those projects for the City of New Bedford, he felt it was a perfect program for Betty's Neck through DCR. The Town can really look at what is growing there and have a better sense of its conditions. Landowner objections can be discussed. For towns that have larger tracks of acreage, the most important reason would be just to learn more about the land. Done correctly, it may generate some income for the landowner.

Selectman Maksy asked if Betty's Neck has potential for State reimbursement for a management plan. What is the cost to manage this plan? Mr. Benjamin responded that a plan can be done and put on a shelf; there is no obligation to do anything. During the course of trying to find out what is important with that particular piece of property, say perhaps a trail system could be put in. This would dovetail the need for thinning of trees. The sky is the limit, but obviously the driving factor is if a piece of property can have some work done on it and then have some revenue generated from it. Then, that money would be used to take care of that property. Another idea was to create dead trees, but with the insect infestation, we have that already. Some landowners may want to attract certain songbirds, so if an opening is created in the woods, it may draw in animals that normally would not be in those parts of the woods. That money would then bring in seed for a particular grass or flower. The money the landowner pays for the development of the plan is essentially an investment. With the Town, the potential is out there on the property, so it is different than that of the landowner. Selectman Maksy asked how Natural Heritage would affect the Town. Mr. Benjamin explained that for the areas that he has done with the bubble of Natural Heritage, a Chapter 172 Forest Plan is filed, then the filing goes to them. They would have to come back with their recommendations. If a change in use is not the issue, then the plan should not be an obstacle.

Ms. Garbitt stated that there is a Town Forest, 15 acres located off of Betty's Neck Road. Mr. Benjamin stated that he thinks a municipality has a 25 acre minimum per parcel. Private landowners can qualify for as little as ten (10) acres, but if it is done in conjunction with another parcel that can change. There have not been many applications that have been turned down, other than for lack of funding. There seems to be a push coming down for creating more acreage for stewardship, and they are pretty accommodating. Chairman Olivier stated that the Board should run this by the Conservation Committee since they know more about the Open Space areas in Town than we do. Perhaps we do need a plan. Mr. Benjamin stated that he would look forward to meeting with them. Ms. Grubb stated that Natural Heritage does not have a bubble on Betty's Neck. There are restrictions, but it is not under Natural Heritage. A Forest Management Plan can be put on a piece of property that has a Conservation Restriction and then take a piece of property that is under a Forest Management Plan and add a Conservation Restriction to it. Mr. Benjamin stated that the biggest issue is that they would have the right to review any planned activity over there, based on what was determined to be there. He was sure the State would be thrilled that the Town is taking the next step to learn about what they have. Mr. Benjamin stated that he would be willing to stop by the Conservation Commission and speak with them. Ms. Grubb stated that the Conservation Commission has already asked for consideration of forestation of the properties.

8:00 PM Meet with Verizon regarding lack of progress of utility relocations for Route 105 for Route 79 relocation project

Selectman Maksy recused himself from the discussions. Richard Colon of Verizon, Nick Adams, Manny Correia, and William Taylor of the Middleborough Gas and Electric (MG&E) were present for the discussion. Chairman Olivier explained that in October, Selectman Belliveau had attended a meeting with the Massachusetts Department of Transportation (DOT) about the lack of progress with Route 79 and to try to get forward momentum moving again for the project. Selectman Belliveau stated that it seems that the main concern is about the utility poles. Mr. Colon stated that DOT was waiting for MG&E to complete the splicing. Mr. Adams stated that they are done with all that they can do. Mr. Colon stated that when the excavation was done, they ran into a problem, and the service was under the new pole, not along it, so the scope of service changed. They needed to get a right of entry from Jack Conway and re-scope the project. MG&E will then have to come in and complete their work on Friday, if we do it Thursday night. The weather report does not look good, so it may have to wait until next week. We are late in the construction season and what our contractor can do after that he did not know. There can be an April start up and then they need 20 weeks to complete the project. Chairman Olivier asked if the one (1) service is done, will the poles come down. Mr. Colon responded that all the wires have to be stripped off the pole. Mr. Adams stated that his work will take one (1) week tops. Selectman Belliveau stated that it was the Board's concern to get this done before the end of the season. Mr. Adams stated that it is ugly, and the poles could cause a safety hazard. We have been working to this point and once the trench is opened up, it is one (1) week for us to do the necessary work and strip the poles. Mr. Colon stated that his biggest concern was to get it done this fall. Mr. Adams stated that the poles will be out. Mr. Baptiste stated that his main concern was that the poles be removed so that Landers could start up with their work.

8:30 PM Meet with Fire Chief to discuss Fire Apparatus

David Goodfellow, Deputy Chief was present for the discussion. Mr. Goodfellow gave a history of what is going on presently with the Fire Department's equipment. The Fire Department is annually required to do pump function tests on its pumping apparatus to make sure that it is operating within the standard parameters. The testing shows that if the equipment is needed that it will operate as it is supposed to. During the last test, all the pumps failed the parameters. Engine #1 needed \$15,000 to repair, but Engine #2 and #3 had more extensive work to just get their pumps into operational mode. Engine #3 did not pump during its pump test. It could not pull a quality draft to get the water into the pipe to pump. With Engine #2, the pump started to lose pressure, so since it could not get the gallonage, it did not pass the test. An independent company came in and did the test. They stated what it would take to get the pumper trucks into operational mode. The cost of the repair far exceeds the value of the apparatus, so the Fire Chief started looking into other pumpers. He went to Connecticut last week, where they have used apparatus available. There was one pumper in the particular in better age and better condition. The pumper is from a volunteer company in Pennsylvania. The truck is in good condition. We took it for a ride, the pump is a capacity that we need and the price was acceptable. They also looked at another pumper currently on loan in Stamford, Connecticut. The body looks good. It was taken for test drives and both would come with prior DOT testing and certified pump testing. There is the option of purchasing a 1985 pumper (\$17,000) and a

1995 pumper (\$45,000), which would take the place of the 1983 (cost to repair \$31,000) and the 1996 (cost to repair \$28,344). There were others that the Chief looked at, but they were in the 2000 year range and cost more. Most of the pumpers are coming from southern states and have not seen salt. Some come with equipment, such as generators, ladders, and a hydraulic pump for the Jaws of Life, so that does increase the prices a bit. The additional equipment may not be able to be opted out of since it is built in. The Selectmen discussed the advantages and disadvantages of purchasing new vs. used equipment; the financial status of the Town, and when it might be feasible to purchase newer and better equipment for the Fire Department.

Ms. Garbitt stated that the Capital Expenditure Committee (CEC) approved the expenditure a few years ago for a new pumper truck since they knew that the pumps were having problems. However, it got pushed from the list since there was no money available to purchase it. The only funds available at this time would be the reserve fund and \$15,000 has already been used from it. In order for a larger purchase, such as the \$45,000, she would have to get sealed bids and go to Town Meeting. The pumper that is going for \$24,995 can be purchased without going to Town Meeting. The first pumper that was fixed in the amount \$15,000 was an emergency repair. Mr. Goodfellow stated that three (3) pump trucks are needed in Lakeville to fight a fire due to the water supply. That is what puts the Fire Department in the situation that it is in. Chairman Olivier mentioned that there is also mutual aid. Ms. Garbitt said that the Finance Committee is meeting Thursday night. Three comparable bids will be needed to assure that the \$17,000 truck is the right one. The Finance Committee could vote on this Thursday, if we have the bids. Bids would also be needed to do the repairs on the failed pumper trucks since the costs to repair them are over \$24,900. Mr. Goodfellow stated that he will get three (3) comparable prices under \$24,900.

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

VOTED: To authorize the Fire Department to solicit two (2) more bids for pumper trucks, not to exceed \$24,900, and to have Ms. Garbitt and Chairman Olivier review the bids to provide to the Finance Committee on November 10th.
Unanimous in favor.

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

VOTED: To allow the Finance Committee to transfer up to \$24,999.00 for the purchase of a pumper truck for the Fire Department.
Unanimous in favor.

Announce \$10,000 Technical Assistance Award from MassDOT and the Executive Office of Housing and Economic Development to update the Affordable Housing Production Plan

Selectman Maksy recused himself from the discussion. Ms. Garbitt reviewed the South Coast Rail Technical Assistance Award. The award is in the amount of \$10,000. The award will allow SRPEDD to work with the Town to update and complete its Housing Production Plan with 2010 Census information. The Master Plan Implementation Committee will start working on this as

soon as possible. Lakeville was the first Town in the state to have an Affordable Housing Production Plan.

Vote to sign contract-Fire Station/Board of Health Roof Repairs

Ms. Garbitt stated that the bid for the repairs to the roof over the Fire Station and Board of Health has been awarded to the low bidder. The Board just needs to vote to sign the contract.

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

VOTED: To approve the bid award for necessary roof repairs needed to the Fire Station and Board of Health and to sign the contract with One Way Painting and Roofing, who met all the bid requirements, in the amount of \$24,910.
Unanimous in favor.

Discuss Retiree Appointment to Insurance Advisory Committee

Chairman Olivier noted that Susan Dunn has volunteered to represent the Retirees on the Insurance Advisory Committee. It was noted that the first meeting of the Insurance Advisory Committee is scheduled for November 22, 2011.

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

VOTED: To appoint Susan Dunn as the Retiree Representative to the Insurance Advisory Committee.
Unanimous in favor.

Discuss letter received from Massachusetts Office of Tourism

Chairman Olivier stated that the Board has received a survey from the Massachusetts Office of Tourism to indicate if the Town was film friendly. Responses were received from various Town Departments. Ms. Garbitt stated that Department Heads named in the survey felt that the Town was film friendly. She asked who the Selectmen would like to name as the liaison. The Selectmen indicated that they would prefer the liaison to be the Town Administrator.

Discuss extended closing hours on Christmas Eve and New Year's Eve for Package Stores

Ms. Craig noted that the Alcoholic Beverage Control Commission allows hours to be extended for Christmas Eve and New Year's Eve for package stores. In the past, the Board has voted to stay with the 11:00 PM closing hour.

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

VOTED: To not extend the closing hours for package stores on Christmas Eve or New Year's Eve and to stay with the 11:00 PM closing time.
Unanimous in favor.

Discuss extended closing hour on New Year's Eve for restaurants with Liquor Licenses

Selectman Maksy recused himself from voting on this matter. Chairman Olivier stated that in the past, the Board has allowed the closing hour time to be extended for restaurants with Liquor Licenses on New Year's Eve. Ms. Craig noted that presently 12:45 AM is last call and 1:00 AM is the closing time. All patrons must be out at 1:15 AM.

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

VOTED: To extend the closing hour on New Year's Eve for restaurants with Liquor Licenses to 1:30 AM, with all patrons out at 2:00 AM.
Unanimous in favor.

Discuss request for Temporary Trailer Permit Renewal-2 Montgomery Street-Wayne Frates

Ms. Garbitt gave a brief update on the Temporary Trailer Permit renewal request for 2 Montgomery Street. She stated that the applicant has made a lot of progress on his dwelling, but will not have all the necessary inspections done by November 7, 2011. The Building Commissioner also does not feel that the applicant will pass all the inspections. The permit has been renewed for four (4) years. He is living in a trailer attached into the house.

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

VOTED: That the Temporary Trailer Permit will be renewed until November 17, 2011, at which time the trailer will be removed from the property.
Unanimous in favor.

Discuss request for Temporary Trailer Permit Renewal-7 Leonard Street-Jeffrey Churchill

Chairman Olivier reviewed the application for the Temporary Trailer Permit renewal at 7 Leonard Street.

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

VOTED: To approve the renewal of the Temporary Trailer Permit for 7 Leonard Street until January 25, 2012.
Unanimous in favor.

Discuss request for Temporary Trailer Permit Renewal – 2 Commercial Drive-Pilot Construction

Chairman Olivier reviewed the request for renewal of the Temporary Trailer Permit at 2 Commercial Drive. Ms. Garbitt stated that Jonathan White has pulled the foundation permits for

four (4) buildings on Commercial Drive for 104 rental units. Mr. White did not get the financing for market rate condominiums.

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

VOTED: To approve the renewal of the Temporary Trailer Permit for 2 Commercial Drive having an expiration date of December 15, 2012.
Unanimous in favor.

Discuss request for Storage Trailer Permit Renewal – 19 Stetson Street-Phillip Sherman

Selectman Maksy abstained from the discussion since he is a neighbor. Chairman Olivier reviewed the application for the renewal of the Storage Trailer Permit for 19 Stetson Street.

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

VOTED: To approve the renewal of the Storage Trailer Permit for 19 Stetson Street, having an expiration date of December 3, 2012.
Unanimous in favor.

Review Zoning Board of Appeals petition for Blueberry Estates

Chairman Olivier briefly went over the petition. It was noted that the Zoning Board of Appeals is concerned about the septic system. However, the Board of Health has signed off on the Title V septic system.

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

VOTED: That the Board of Selectmen have no comment at this time on the petition for Blueberry Estates.
Unanimous in favor.

Review and vote to approve Selectmen Meeting Minutes of May 5, 2011; May 9, 2011, May 18, 2011, June 6, 2011 and July 11, 2011

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

VOTED: To approve the Selectmen's Meeting Minutes of May 5, 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 May 9, 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 May 18, 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 June 6, 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 July 11, 2011 as presented.
Unanimous in favor.

Review and vote to approve Executive Session Meeting Minutes of October 17, 2011

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

VOTED: To approve the Executive Session Meeting Minutes of October 17, 2011 as presented.
Unanimous in favor.

New Business

Ms. Garbitt distributed a letter from Nancy LaFave, Secretary of the Historical Commission, dated November 7, 2011 regarding Veterans' Day. The letter invited the Selectmen to attend the Veterans' Day observation on November 11th and explained the route that the event will take. It is anticipated that Keiko Orrall and Christopher Markey will be in attendance.

Ms. Garbitt distributed a handout from Pamela Truesdale dated Monday, November 7, 2011, sent to the Herring Commission, regarding the meeting she attended of the Assawompset Pond Complex stakeholders group. The current pond levels and the anticipated trends were discussed at the meeting. At this time, the pond level is about a foot higher than the "target level" for this time of year. Selectman Belliveau stated that he met with the Assawompset Pond Complex Committee to discuss the water level in Long Pond and Assawompset Pond. There have also been a lot of complaints in the past few weeks. The City of Taunton did not have permission to measure the level of Long Pond, but has since got permission. The levels had come down, but they are now up and the residents are getting very concerned and nervous. The flood zone is 55 feet, and it is at about 53 feet right now. It is about .85 under a foot of the flood zone, but today it is even worse since it was measured at 54 feet. They do not have the capacity to relieve the water levels as fast as we want them to come down. The planks are wide open. There is good communication with the City of New Bedford and the Town of Middleborough. Selectman Belliveau said that Andrew Bagas, DPW Superintendent in Middleborough, has opened the gates on several occasions to relieve the pond level, but does not feel enough water is coming through. There is not a lot of flow coming through the dam, since it is all clogged up on the Nemasket

River. It is also clogged under the Bridge Street and Vaughn Street Bridge. There are two (2) obstructions, which are also adding to the slowing down of the water flow. Mr. Bagas will lower another four (4) inches, but does not feel comfortable opening it up himself unless he receives a directive from the Selectmen of Middleborough to do it. The plan of action is to speak with the M/L Herring Fishery Commission and see if it would be detrimental to the herring or other fish that are there now to reduce the level of the water.

Selectman Maksy felt a letter should be sent to the Middleborough Selectmen to inform them that the water is almost to the flood zone level and to also let them know that Lakeville is getting complaints and that the only downstream obstruction is the Herring Run. Ms. Craig mentioned that the Herring Commission has a meeting scheduled for tomorrow night at the Middleborough Town Hall at 7:00 PM. Selectman Maksy stated that he cannot believe that the matter seems to be heading into the same situation as last year. One storm will do it. Selectman Belliveau stated that the gates are wide open at the dam. Selectman Maksy stated that if there was no dam, there would not be this problem. As soon as the water starts to climb, this should be taken care of. Selectman Belliveau said that perhaps Plymouth County Mosquito Control can go in and offer their help. They are meeting tonight and Representative Orrall was going to get in touch with them to see if they can go in to do something. The funding is a problem. Who will fund any necessary work to be done? There will also be a need for a lot of permits for the dredging needed to be done. However, the safe yield of the pond has to be determined first, since no one knows the yield of the pond. Representative Canessa was going to try and get the funding for the safe yield study. The water is also spreading out on the river, since it is all clogged up and is slowed down. Further discussion took place on the seriousness of the matter and how to resolve the problem. Selectman Maksy suggested sending a letter to the Senator and the Representatives and let them know that as a Town, we do not know how to handle this. He added that he would like to include in the letter that in the event of a heavy spring rainfall, the Town will be right back to where it was in 2010, and the Town needs to hear back from them.

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

VOTED: To send a letter to the Middleborough Selectmen requesting that they authorize Andrew Bagas to open the dam and to send a copy of the letter to the State Legislators regarding the seriousness of the situation and request that they provide some sort of feedback or suggestions for resolution.
Unanimous in favor.

Other Items

1. Notice from Taunton Municipal Council regarding creating of Dever School Phase IV and V District
2. Letter from Integrity Investigations and Consulting
3. Letter from DEP regarding Massachusetts Federal Safe Drinking Water Act Assessment
Chairman Olivier asked what the letter from the DEP was about. Ms. Garbitt stated that Lakeville pays a small fee since it is a public water supply at the Town Office Building and the Ted Williams Camp. Selectman Maksy stated that he would ask Cathal O'Brien about this.

4. Notice from DOR regarding Additional State Aid for FY12 Municipal Budgets
5. Plymouth County Treasurers Advisory Board Meeting-November 21, 2011
6. Notice from PERAC regarding Post Retirement Limits on Public Employment in Massachusetts for Retirees of a Public Retirement System
7. SRPEDD Commission Metropolitan Planning Organization Election
8. Notice from MMA regarding 33rd Annual Trade Show-January 20, 2011 and January 21, 2011

Chairman Olivier asked if anyone was going to the MMA Annual Trade Show, since he was considering attending. Ms. Garbitt will keep the Selectmen updated as this date as it gets closer.

9. Newsletter from Retired State, County and Municipal Employees Association of Massachusetts
10. Notice of New England Water Law and Policy Conference-December 7, 2011
11. Notice from Comcast regarding testing of the Emergency Alert System
12. Notice from Comcast regarding Price Adjustments
13. Notice from Comcast regarding Programming Changes
14. Letter from Greater New Bedford Association of Realtors regarding National Flood Insurance Program
15. Letter from Greater New Bedford Association of Realtors regarding Copper Pipe Bill
16. GATRA Advisory Board Meeting notice – November 17, 2011
17. Memos regarding Hours of Operation for Town Office Building and Assessor's Office
Chairman Olivier stated that he had asked Ms. Garbitt for the memo regarding hours of operation for the Town Office Building and Assessor's Office since it should be what is best for the public. He would like the Board members to read it and then it can be discussed further at the next meeting of the Board.
18. Notice from Verizon regarding upcoming National Emergency Alert System test on November 9, 2011
19. Copy of letter from Assessors acknowledging receipt of letter regarding Notice of Right of First Refusal
Ms. Garbitt stated that the property is being put into a trust, but it is not under the jurisdiction of the Assessors. Molly Reed called the DOR and they suggested sending it to Town Counsel for clarification.
20. Notice of quarterly meeting of the Southeastern Massachusetts Council on Sustainability

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 Police and Fire 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.