

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**November 19, 2012 – 6:30 PM**

On November 19, 2012, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Maksy at 6:30 PM. Selectmen present were: Selectman Maksy, Selectman Belliveau and Selectman Powderly. Also present was Rita Garbitt, Town Administrator.

**6:30 PM Possible Executive Session to discuss pending litigation with the Board of Assessors**

The Board of Assessors' Meeting was called to order by Chairman Meleedy at 6:32 PM. *Paul Meleedy, Dana Lucas, and Janet Black, members of the Board of Assessors and Principal Assessor/Appraiser Molly Reed were present for the discussion.*

**Executive Session**

Upon a motion made by Selectman Belliveau and seconded by Selectman Powderly, on a unanimous roll call vote, the Board

VOTED: To enter Executive Session pursuant to M.G.L. c. 30A, §21(3) to discuss strategy in preparation for negotiations with the new unions because an open meeting may have a detrimental effect on the negotiating position of the Board and to discuss strategy with respect to pending litigation if an open meeting may have a detrimental effect on the litigating position of the Board and to return to open session.  
Polled Vote: Selectman Belliveau – Aye, Selectman Maksy – Aye and Selectman Powderly – Aye.

Upon a motion made by Assessor Lucas and seconded by Assessor Meleedy, on a unanimous roll call vote, the Board

VOTED: To enter Executive Session to discuss strategy with respect to pending litigation if an open meeting may have a detrimental effect on the litigating position of the Board and to return to open session.  
Polled Vote: Assessor Black-Aye, Assessor Lucas-Aye and Assessor Meleedy-Aye

At 7:15 PM, the Board of Selectmen and the Board of Assessors came out of Executive Session and returned to Open Session. Present at the meeting were Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow of The Middleboro Gazette was recording the meeting and LCAM was videotaping

## **7:00 PM Discuss Health Insurance with Elected Officials**

*Dana Lucas, Janet Black, Members of the Board of Assessors, and Robert Poillucci, member Board of Health, was present for the discussion.* Chairman Maksy stated that he wanted to discuss health insurance eligibility for Elected Officials. Last year, the Town voted to grandfather Elected Officials that were in their positions, allowing them to be eligible for health insurance benefits supplied by the Town. However, any newly Elected Official would not have that benefit available to them. Chairman Maksy wanted to have a discussion with Elected Officials being present to discuss this issue.

Selectman Belliveau stated that if this was a private company doing the same thing the State would shut it down, since it is providing benefits to one group and saying that some are eligible and others are not. After speaking with Town Counsel, he found out that the Town can discriminate since municipalities are exempt. Michelle Randazzo from Kopelman and Paige has stated that this does not affect Lakeville's two (2) Elected Officials that are working 20 hours or more a week, as they receive a salary. Chairman Maksy stated that they are receiving a stipend. If one of these two (2) Elected Officials took the rest of the year off, they would still get paid and the Board would not be able to say anything about it. Selectman Belliveau stated that this bothers him since he sees an inequity. One group is getting compensated more than another group. Selectman Powderly noted that newly Elected Officials do not get the health insurance benefit, and he is fine with that. Chairman Maksy stated that what bothers him is how the vote took place last year. He would like the opportunity to rescind the vote and to properly discuss the matter. Last year the discussion and vote took place directly before an election, and he doesn't agree with it. Elected Officials do a lot of work for the Town for a trifling sum. Selectman Belliveau stated that he feels that the Town Clerk and Treasurer/Tax Collector positions should be appointed, not elected, since the positions do depend on competency. He has spoken to the Town Clerk and Treasurer/Tax Collector and they prefer to remain as Elected Officials. Selectman Powderly stated that if the Elected Officials are comfortable being elected, then he is as well.

Selectman Belliveau stated Kopelman & Paige has stated that if the Town wants to dispose of the health insurance benefit for Elected Officials, the Board could vote to have it end when the official's current term ends, which may not be when they leave office. Selectman Belliveau stated that the health insurance benefit should either be extended or disposed of completely for Elected Officials. Chairman Maksy mentioned that Elected Officials used to be in the Town's pension system also. However, now the person would have to make at least \$5,000 annually to receive that benefit. The health insurance benefit only extends to the Board of Health, Board of Assessors and Board of Selectmen at this time. Newly Elected Officials to these Boards would not be eligible to receive health benefits. Selectman Powderly stated that if there are people who would like to run for an elected position but are not, since they would not be offered health benefits, then he would not mind opening this back up again. Selectman Belliveau suggested a three (3) year moratorium on health insurance benefits for current and new Elected Officials, and then it expires. Chairman Maksy stated that it would have made more sense to put a firm date on when this would end. Dana Lucas asked what the current policy was. Selectman Belliveau responded that right now, as long as the person stays in the position that they are in, the health insurance benefit stays with them. Selectman Powderly stated that he is not for taking anything

more away from people than has already been done. Selectman Belliveau stated that it is an inequity for someone to run and be elected to the position and work side by side with someone who does receive health insurance, and they are not able to receive it. Selectman Powderly suggested that perhaps in the future, steps and longevity will also be phased out, and it will just be a salary that someone receives with a percentage increase each year. Chairman Maksy would like to rescind the vote that took place originally. Selectman Powderly suggested not to rescind what is presently in place, until there is a new option to be set into place.

Janet Black stated that she was concerned about the quality of people that may get elected, and what their motivation would be to do all this work for “peanuts”. Looking at neighboring towns that did this, such as Bridgewater, they have had only one (1) board member for months and have had to draft someone into the position. There is no supervision in the office since no one is there. Selectman Powderly stated that for the Elected Officials who do have health insurance, he would never take it away. He also did not feel that it should end at the end of someone’s term. Robert Poillucci mentioned that years ago with a lot of Towns, stipends for Elected Officials were higher. Officials even used to get retirement benefits and health insurance, if they spent enough time on a committee. He added that he cannot do septic system work in Town now that he is serving on the Board of Health. There is a value to someone’s time. However, people should not be able to just serve a few years and then get these benefits forever. Chairman Maksy stated that it takes nine (9) years of elected service to receive retirement benefits, and the person has to be at retirement age. Ms. Garbitt mentioned that it may have changed to ten (10) years. Chairman Maksy stated that he was pleased with the idea that the vote can be rescinded. The Selectmen will meet in January and try to come up with a new plan. The Board of Health and Board of Assessors will be invited to the meeting in January. There will also be further discussion on December 17<sup>th</sup>.

#### **7:15 PM Discuss Farm Animal Excise Ballot Question with Board of Assessors and Town Clerk**

Ms. Garbitt stated that at the last meeting with the Board of Assessors, the Board of Selectmen voted to put the Farm Animal Excise question on the Annual Town Election Ballot as long as it follows the correct process. Town Counsel has stated that the correct process is being followed. The question will read as follows: *Shall the Town of Lakeville cease assessing the excise imposed under General Laws Chapter 59, Section 8A on certain animals, machinery and equipment owned by individuals and non-corporate entities principally engaged in agriculture?*  
----yes---no

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

VOTED: To put the following question on the Annual Town Election Ballot in 2013 as follows: *Shall the Town of Lakeville cease assessing the excise imposed under General Laws Chapter 59, Section 8A on certain animals, machinery and equipment owned by individuals and non-corporate entities principally engaged in agriculture?* ----yes---no  
Unanimous in favor.

### **7:30 PM Meet with Police Chief Frank Alvilhiera to discuss funding of additional Police Officer**

*Frank Alvilhiera, Police Chief, was present for the discussion.* Chief Alvilhiera stated that the Board had asked him to determine what the salary would be for an additional Police Officer through the end of the fiscal year. Chief Alvilhiera responded that it would be \$24,261 with clothing, plus health insurance would increase it another \$10,526 (for the most expensive plan). The Police Department is in better shape than the last time the Chief was before the Board. An Officer is coming out of the Police Academy on December 7<sup>th</sup>, and another Officer has come off of injury status. However, the State has implemented more training mandates that the Department has to keep current on. There is nothing new with respect to grants for new hires. It is also not known about funding for the School Resource Officer position after reading about the deficit with the schools. However, hiring someone now will help take care of a lot of the overtime issues. Chief Alvilhiera has an Officer that is definitely going to retire. There are fifteen (15) officers now and that would be fourteen (14) officers until the retired Officer's position is filled. Selectman Belliveau asked if the additional Officer can be funded without going to Town Meeting for approval. Ms. Garbitt responded that there are funds in the Wage Account, but there will need to be a transfer made at a Special Town Meeting before the Annual Town Meeting. Selectman Powderly asked about the overtime funding. Chief Alvilhiera responded that the Department only budgets approximately \$57,000 for overtime. Usually, it is not used for shift coverage. It is for court time and keeping the minimum amount of staffing. Recently though having a retirement, an injury, and an Officer taking the School Resource Officer position, it has caused more overtime in other areas.

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

VOTED: To authorize the Police Chief to hire a new Police Officer, effective January 1, 2013 through the end of FY13.  
Unanimous in favor.

### **Discuss re-advertising for Council on Aging Director Position**

Selectman Belliveau stated that the Board had reviewed the Council on Aging Director Position previously. However, the letter from the former Director, Marilyn Mansfield, had not been provided to the Board. The letter carries a lot of weight for the person that is being recommended for the position. The applicant has attended a three (3) day seminar, done a lot of outside training and would be excellent for the position. However, he still felt that two (2) more people should have also been interviewed for the position. His concern now is that the salary amount is too low for the position. Chairman Maksy pointed out that a portion of the salary was removed since there is a separate position for the Veterans' Agent.

Beverly Harlow, resident of Mullen Hill Drive, stated that she was concerned about the hiring of a new Director. About two (2) years ago, she started going to the Council on Aging, since she needed services for her dad. The personal interaction provided by Ms. Souza was outstanding. Ms. Harlow stated that now that she is retired, she also volunteers for the Council on Aging. There is no price for what these people do for members of our community. Ms.

Souza has come up through the ranks, working there on a day to day basis. Ms. Harlow added that she was supportive of hiring from within.

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

VOTED: To offer the Council on Aging Director position to Vicki Souza.  
Unanimous in favor.

Discussion then took place on the salary. Ms. Souza is presently at Level IV, Step 5. Selectman Powderly noted that Marilyn Mansfield had been there as Council on Aging Director since the 1980's. The present Director position will increase from 32 hours a week to 40 hours a week.

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

VOTED: To set the salary for Vicki Souza, Council on Aging Director, the amount of \$42,202, from Grade D, Step 3.  
Unanimous in favor.

#### **Discuss Lease for Assawompset School**

Selectman Belliveau stated that his concern was if Assawompset School was returned to the Town after the Region made any improvements, the Town would be required to pay a portion of the improvements back to the Region. Chairman Maksy stated that his concern was that the Region does not want the Town to plow the school and then charge them back for the plowing. However, this would help the Town with its assessment for Net School Spending. Any costs associated with any schools associated with the Region should be able to include what is spent towards the Net School Spending amount. Discussion then took place on the property and liability insurance for the building. The Board suggested continuing on without a lease, particularly since there has been talk that the Region may close Assawompset School.

Selectman Powderly stated that if there is a snow storm, the Region needs to know that they are responsible for the plowing. He suggested that the Region be sent a letter stating that they are responsible for the snow plowing. It is believed that the buildings are properly insured, based on a conversation with the Town's insurance agent. Ms. Garbitt stated that the Freetown and Lakeville Selectmen need to agree on what takes place with the plowing at the elementary schools. This can be discussed at the joint meeting with the Freetown Board of Selectmen.

#### **Review Constable Application for George Morse**

Selectman Belliveau asked how many Constables the Town had and how many are needed? Ms. Garbitt responded that by State Statute, the Town has to have one (1). Selectman Belliveau suggested that the Police Chief be consulted to determine how many Constables he feels are necessary for appointment.

### **Review and vote on support for Plymouth County Mosquito Control**

Ms. Garbitt stated that last year, the Board voted to sign a letter of support for Plymouth County Mosquito Control in regards to their budget funding. Lakeville's share of the budget is approximately \$60,000. Selectman Belliveau noted that the cost is assessed on the Town's Cherry Sheet and comes out of the Town's State Aid. The Town would not save the \$58,000 if it votes it down. Basically, they spray upon request and they clean catch basins. They can also clean some wetland areas that the Town cannot. Ms. Garbitt stated that they do spray the schools and the Ted Williams Camp. Selectman Powderly suggested finding out how many times they spray in Lakeville. He will also try to attend the December meeting, if possible. It was noted that the letter of support is not needed until April 15, 2013. Chairman Maksy stated that he would like to see a list of how many spray requests are done in Lakeville annually.

### **Review and vote on SRPEDD Agreement to prepare Inclusionary Housing By-law**

Chairman Maksy reviewed the SRPEDD Agreement to prepare an Inclusionary Housing Bylaw.

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

VOTED: To authorize the Chairman to sign the Cooperative Agreement between the Town of Lakeville and SRPEDD to perform the tasks as outlined in the Scope of Services (Attachment A) in assisting the Town with the drafting of an Inclusionary Housing By-law.  
Unanimous in favor.

### **Review and vote to approve Roadway Sand and Salt Bids – Town of Plymouth Cooperative**

Ms. Craig explained that the Town of Plymouth heads a cooperative to bid on roadway sand and salt. Each Town must contract separately with the vendor. She noted that Lakeville participated in the cooperative last year with the Town of Plymouth.

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

VOTED: To approve the Roadway Sand bid with Cape Cod Aggregates at \$10.09 per ton; to approve the Roadway Salt bid with American Rock Salt at \$48.39 per ton; to approve the Agricultural Bi-Product De-Icing Liquid bid with Safe Road Services at \$1.25 per gallon; and to approve a secondary vendor for Roadway Salt with Eastern Minerals at \$48.64 per ton in the event that the Superintendent of Streets is unable to procure salt in a timely manner from the low bidder.  
Unanimous in favor.

### **Review and vote to approve bids for Town Electrician and Plumber**

Ms. Craig stated that the Town received one (1) bid for the Electrician bid request and one (1) bid for the Plumber bid request. The bids were advertised in the Middleboro Gazette.

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

VOTED: To award the bid to Kevin Thew for Electrical Services at \$60.00 per hour, and Glenn Chistolini for Plumbing Services at \$60.00 per hour on weekdays; \$70.00 per hour on nights and weekends and \$75.00 per hour on holidays.  
Unanimous in favor.

### **Discuss available dates for the Lakeville S.A.F.E. Young Hero Award**

Ms. Garbitt had received an email from Timothy Collins, Lakeville Firefighter, regarding Skye Cordeiro, a nine (9) year old Lakeville child who was able to help her mom who got hurt by one of their horses. The Fire Marshall's Office was very impressed about what the girl did and would like to present Skye with a S.A.F.E. Young Hero Award. Ms. Garbitt will contact the Fire Marshall's Department and suggest Tuesday, December 4<sup>th</sup> or December 10<sup>th</sup> as the dates at 4:00 PM.

### **Review request for 2013 New Balance Reach the Beach Bike Race**

Ms. Craig stated that the organizer for the bike race has not contacted the Police or Fire Chiefs yet for their approval. She requested that this item be placed on the next Selectmen's Meeting so comments can be received back from the Chiefs.

### **Review and vote to accept Resignation Letter from Carol Zimmerman from the Zoning Board of Appeals**

Chairman Maksy read the resignation letter from Carol Zimmerman from the Zoning Board of Appeals.

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

VOTED: To accept the letter of resignation from Carol Zimmerman as Associate Member and to send her a letter of thanks for her time served on the Zoning Board of Appeals.  
Unanimous in favor.

### **Request from Zoning Board of Appeals to fill vacancy of Associate Member**

The Selectmen requested Ms. Craig to advertise the Zoning Board of Appeals vacancy for an Associate Member on the Town's website and in the Middleboro Gazette. Letters of interest are to be sent in by December 10, 2012.

### **Review request for Curb Cut Permit-11 Precinct Street**

Chairman Maksy read the request for a Curb Cut Permit for the property located at 11 Precinct Street.

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

VOTED: To approve the Curb Cut Permit at 11 Precinct Street based on the conditions set forth by the Superintendent of Streets in his letter dated November 9, 2012.  
Unanimous in favor.

### **Review request for Curb Cut Permit – 2 Pantheon Road**

Chairman Maksy read the request for a Curb Cut Permit for the property located at 2 Pantheon Road.

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

VOTED: To approve the Curb Cut Permit at 2 Pantheon Road based on the conditions set forth by the Superintendent of Streets in his letter dated October 31, 2012.  
Unanimous in favor.

### **Request for Temporary Storage Trailer Permit Renewal-19 Stetson Street**

Chairman Maksy recused himself, since he is a neighbor of the applicant. Selectman Belliveau read the request for the renewal of a Temporary Storage Trailer Permit for the property located at 19 Stetson Street.

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

VOTED: To approve the Temporary Storage Trailer Permit Renewal for Philip Sherman at 19 Stetson Street with an expiration date of December 3, 2013.  
Unanimous in favor.

### **Discuss designating Superintendent of Streets to approve Road Opening Permits**

Chairman Maksy discussed with the Board Members changing the approval process for Road Opening Permits, making the Superintendent of Streets the approval authority. It was noted that if there is a problem with a Road Opening Permit, the applicant could come before the Selectmen to appeal the Superintendent of Street's decision. Ms. Garbitt added that the change would help these permits get approved faster.



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

VOTED: To designate the Superintendent of Streets as the person who will approve Road Opening Permits.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes of July 9, 2012; July 30, 2012 and August 21, 2012**

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

VOTED: To approve Board of Selectmen's Meeting Minutes of July 9, 2012 as presented.  
Unanimous in favor.

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

VOTED: To approve the Board of Selectmen's Meeting Minutes of July 30, 2012 as presented.  
Unanimous in favor.

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

VOTED: To approve the Board of Selectmen's Meeting Minutes of August 21, 2012 as presented.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes (2 sets) of November 5, 2012**

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

VOTED: To approve the Executive Session Meeting Minutes of November 5, 2012 (2 sets) as presented.  
Unanimous in favor.

**Old Business**

Selectman Powderly stated that there had been an article in the Middleboro Gazette about a Middleborough High School Freshman, Beth Boersdamm, honored for her sign project at the Lakeville Animal Shelter. She did the project to earn her Silver Star Award from the Girl Scouts, which is the highest award from the Girl Scouts. The Board will send a letter to her congratulating her on her project.

Ms. Garbitt stated that one of her goals is to put together the plan for the Technology Committee. The Town has not received any letters of interest from residents. It has been

advertised several times. Ms. Garbitt asked if the Board would like to appoint some Town employees to the Committee. Selectman Belliveau volunteered to serve on the committee for a short term. Ms. Garbitt stated that she has a Department Head meeting tomorrow and could discuss who would like to serve on this Committee. They will have a presentation on GIS mapping. Chairman Maksy suggested that a line item be put in the budget for the GIS mapping, so that the Town doesn't have to go to taxpayers every year for a large amount of money. Ms. Garbitt stated that this was an item that she was going to talk with the Town Accountant about.

### **New Business**

Ms. Garbitt stated that the letter from the Massachusetts Gaming Commission has been forwarded to the Casino Committee. The letter is seeking public participation regarding upcoming policy decisions. They are looking for input by November 27<sup>th</sup>. Selectman Belliveau suggested a ten (10) mile radius for abutters and around the project. Ms. Garbitt will send a letter with a few key points.

### **Other Items**

1. Letter from Mass DOT regarding Resurfacing and Related Work on Route 140
2. Mass Wildlife News – November Issue
3. Notice from Massachusetts Office on Disability regarding Massachusetts Identification Card
4. Notice from Department of Public Utilities regarding Petition for Approval of a Three Year Energy Efficiency Plan – Columbia Gas of Massachusetts
5. Notice from Department of Public Utilities regarding Petition for Approval of a Three Year Energy Efficiency Plan – NSTAR Electric Company
6. Notice of New Scheduling Procedure from Department of Labor Relations
7. Memo from Town Counsel regarding New Medical Marijuana Law  
Ms. Garbitt stated that she received a call from The Boston Globe to see if Lakeville is going to do anything about the new regulations for the Medical Marijuana Law. She had communicated to them that the Board had not met since the election. Selectman Powderly stated that he would like the Police Chief's recommendations on the matter.
8. Notice from Board of Health regarding Community Innovative Challenge Grant
9. Letter from Executive Office of Labor and Workforce Development regarding Municipal Unemployment insurance Task Force Report
10. Notice from SRPEDD regarding 2002-2011 Traffic Count File Report Release

At 9:25 PM, upon a motion made by Selectman Belliveau; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session pursuant to M.G.L. c. 30A, §21(3) and not return to open session to discuss strategy in preparation for negotiations with the new unions because an open meeting may have a detrimental effect on the negotiating position of the Board. Polled vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Maksy-Aye.