

SELECTMEN'S MEETING
Monday, November 20, 2006

On November 20, 2006, 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 LaCamera at 7:00 PM. Selectmen present were: Selectman LaCamera, Selectman Yeatts and Selectman Evirs. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary.

Nicholas Pierce, Boy Scout, was also present. In order to earn his Citizenship in the Community Merit Badge, he needed to attend a government meeting.

7:00 PM Meet with Board of Assessors regarding setting the Minimum Residential Factor

Gordon Goodfellow, Janet Black and Ronald Sankus of the Assessors were present. Chairman LaCamera read the notice into the record regarding conducting a public hearing to determine the percentage of the Local Tax Levy to be borne by each class of real property and personal property for Fiscal Year 07.

Upon motion made by Selectman Yeatts, seconded by Selectman Evirs, the Board,

VOTED: To open the public hearing to determine the percentage of the Local Tax Levy to be borne by each class of real property and personal property for Fiscal Year 2007
Unanimous in favor.

Mr. Goodfellow read the information that was presented regarding the Town of Lakeville Analysis of FY07 Single or Split Tax Rate. He then went into explanation about the report, how the figures were arrived at, the options available and what impact they would bring. He then stated that the Assessors are again recommending a factor of one (1). This will not be the rate until it is certified.

Chairman LaCamera stated that he agreed with Mr. Goodfellow and the Board of Assessors. It is difficult to change from a single tax rate to a split tax rate and then try to change it back. What has been discussed with respect to the Master Plan for the past few years is the fact that the Town needs to look at other areas for economic development since residential growth has increased over the past four (4) to five (5) years and the commercial and industrial aspect has dropped a few percent. The Town also needs to promote its great tax rate for businesses as it is one of the lowest in the entire southeast Massachusetts.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To close the hearing .
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To keep the minimum factor as one (1) for the Fiscal Year 2007 tax rate.
Unanimous in favor.

7:15 PM Formal dog hearing-Ken & Zinta Betts

Mark McCormack, David Frates, Animal Control Officer & Hal Marshal, Assistant Animal Control Officer were present for the hearing. Ken and Zinta Betts were not present. Chairman LaCamera read the notice of the dog hearing into the record.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To open the dog hearing for Ken & Zinta Betts.
Unanimous in favor.

Chairman LaCamera swore the witnesses in. Chairman LaCamera then read the complaint and discussed the previous complaint letters that had been filed against the Betts' dog, Teddy. Mr. McCormack stated that on November 4th his dog, Meadow, alerted him that something was going on. It was the neighbor's dog Teddy who was off his leash and running through his property. He then called the Animal Control Officer, got the answering machine and left a message. He then called the Police since he did not hear back from the Animal Control Officer and it had been about 35-40 minutes that the neighbor's dog was off his leash. This is the first time, under the order that was implemented (August 8, 2005), that the dog has been off of his leash.

Chairman LaCamera stated that the Betts were sent a letter requesting that they be present for the hearing and should have been present. The Betts did send a letter in their stead stating that their dog was not off its leash. They are presently looking for a home for their dog and are also selling their home for personal reasons. Mr. Marshall explained that he had attended the call and the Police met him as they proceeded to the Betts' home. They found their dog in their house and they said that the dog was only out earlier on a leash to go to the bathroom. He had not been out roaming around.

Chairman LaCamera explained that there have been a number of complaints against the Betts dog over the past few years. The first violation was in March 2004 and then there have been at least six (6) instances where the dog had been roaming loose, unlicensed, not rabies vaccinated and causing damage to Mr. McCormack's fence and injuries to his dog.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To close the dog hearing for Ken and Zinta Betts.
Unanimous in favor.

Selectman Yeatts asked if Mr. Frates had any recommendations, and if there is a list of dogs unlicensed? Mr. Frates responded that though he had a substantial folder filled with

complaints on the dog, he had thought that they had already found a home for the dog. Ms. Garbitt stated that the Town works on the unlicensed dogs from the year before. Then letters go out, stating that the license is late, there is a small fine and the next step is to go to court. Chairman LaCamera stated that it is an expense for the Town to spend legal fees and court fees over a matter like this. The Town Clerk does work hard to follow up on cases such as these; however, some pet owners just do not comply. Has the dog been fenced in the past? Mr. Frates explained that no one checked about the dog since the last hearing since it was thought that they gotten rid of the dog. It was a surprise to find the dog running around again. The Betts do not have a fence or a cage. The Town can let them know that if the dog is caught again they do not get the dog back.

Selectman Evirs stated that there are two (2) issues. The first is that the dog is not licensed, so can a time restraint be placed on them to get this done? They also need to control the dog in their own yard. Maybe they could be given 30 days to put up their own fenced in area. Chairman LaCamera stated that a letter could be sent to the Betts to have their dog licensed by Monday, November 27th. They should also build a dog pen so that the dog is restrained in its own area. Mr. Marshall stated that they have a fenced area, yet it is for their pool area. Mr. Frates stated that the dog is up to date with his rabies vaccination.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To have the Betts license their dog, Teddy, by Monday, November 27th, 2006 and they are to build a kennel (about 6 feet in height) within 30 days. The Animal Control Officer will visit with the Betts and explain the type of kennel necessary to contain their dog and if the dog is caught loose again the dog will be picked up and held by the Town and another hearing will take place.
Unanimous in favor.

7:45 PM Meet with Historical Commission

Nancy LaFave, Joan Gladu Morton and Kathleen Barrack were present from the Historical Commission. Chairman LaCamera explained that the Historical Commission had requested that the Town issue a citation to Mary Fuller, former long time member of the Historical Commission, in honor of her upcoming 96th birthday and her 29 years of service on the Historical Commission. Chairman LaCamera read the citation for Mary Fuller into the record. The Selectmen congratulated Ms. Fuller for all that she has done. Ms. Fuller thanked everyone for the honor bestowed upon her.

8:00 PM Meet with Robert Mather – berm – Residences at LeBaron Hills

Chairman LaCamera stated that the meeting with Attorney Mather has been postponed until the December 4th Selectmen's meeting since the landscape architect does not have the revised plans that were requested.

Request for approval of Alcohol Compliance Check Guidelines

Mark Sorel, Chief of Police, was present. Chief Sorel stated that in order to maintain consistency with the A.B.C.C. in the execution of Alcohol Compliance Checks, he was requesting that the Board of Selectmen approve and adopt the guidelines as presented. The guidelines are intended to provide the basic framework, which will be used when conducting underage drinking stings on licensed premises. He also stated that he would be notifying residents of the Town in the Middleborough Gazette that a sting would be taking place in the near future.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve and adopt the alcohol compliance checks and guidelines as presented by Chief Sorel.
Unanimous in favor.

Appointment of Firefighter/Paramedic

Chairman LaCamera explained that Chief Hopkins had set up an interview group to interview interested candidates for the position. The group and Chief Hopkins have recommended that Heather Dufault be appointed as full-time Paramedic/Firefighter.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To accept the recommendation of the Fire Chief and the interview/appointment group to appoint Heather Dufault as a full-time Firefighter/Paramedic to the Fire Department with a probationary term of six months, which is contingent upon the successful completion of a department approved physical examination, a PAT test, and passing the Massachusetts Firefighting Academy program.
Unanimous in favor.

Chairman LaCamera welcomed Ms. Dufault on board and noted that she will be the first full-time woman firefighter for the Town. She was not able to be present this evening as she is working. The Town has had female call-firefighters in the past.

Receive notice from Roger Hamilton regarding his upcoming retirement

Chairman LaCamera read the letter of retirement for Roger Hamilton into the record. Mr. Hamilton is scheduled to retire January 1, 2007. Mr. Hamilton has given approximately 30 years of service to the Town. Chairman LaCamera added that Mr. Hamilton has always been there to help anyone in Town, he has saved the Town a lot of money by being able to fix the equipment, and has been a terrific employee.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To accept the letter of retirement of Roger Hamilton, Highway Surveyor, effective January 1, 2007.
Unanimous in favor.

Review job description for Superintendent of Street

Chairman LaCamera stated that Ms. Garbitt has put together a job description for the Superintendent of Streets. It will change from an elected position to that of an appointed position upon Roger Hamilton's retirement. The person in this position will be in charge of the Transfer Station, operation of the Park Department, the cemeteries as, well as the duties necessary for the Superintendent of Streets. The House and Senate has approved the Home Rule Petition for the Town and it is awaiting the signature of the Governor at this time. The Governor has ten (10) days to sign the petition. Selectman Evirs pointed out a necessary language change on page three and this was agreed to with the Ms. Garbitt.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Superintendent of Streets Job description.
Unanimous in favor.

Chairman LaCamera stated that the Board now needs to decide when and where the job description will be posted. Mr. Hamilton has agreed to work with the new person that comes on board for as long as it takes them to know the job. There will probably be 30-40 applicants applying for the position. The Board also needs to decide how long the job will be posted, the interview process, the narrowing down of the applicants, who would do the initial screening review, etc. Each process will take some time.

Discussion took place on each of the aspects that the Chairman brought forward. It was decided not to advertise the salary range. If someone calls interested in the position and asks, then they could be told the salary range. It was decided that the job description would be advertised in the Beacon, the Town's website, The Enterprise, the Middleborough Gazette since they offer a package deal, the Standard Times and the MMA (Massachusetts Municipal Association). A deadline would be set for December 31, 2006 (actually December 29th due to the weekend). If this date does not work out for advertising in the Beacon, then it will just be put on their website and advertised in the newspapers. It will be ready to go in the Middleborough Gazette as of December 3rd.

Discuss appointment of Rent Control Board

Chairman LaCamera explained that the Town is forming a Rent Control Board for Twin Coach Mobile Home Park. At this time, only one (1) person has submitted their name. The Board is looking for two more members interested in serving on this Board. On December 4th the Board will have to decide what to do about the Rent Control Board. It is hoped that with publicity from the press, letters of interest will be sent to the Selectmen in the interim. If we do

not receive any other interested parties, then the Selectmen will fill the positions, until volunteers can be found.

Appoint Middleborough/Lakeville Herring Fishery Commission volunteer observers

Chairman LaCamera asked why the appointments would expire September 30, 2007 and if the Town is supposed to appoint the volunteer observers from Middleborough as well as those from Lakeville? Ms. Garbitt responded that the Herring Fishery Commission was late in providing their appointment request. Also, the Town typically does appoint both the Middleborough and Lakeville volunteer observers.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To appoint the following to the Middleborough/Lakeville Herring Fishery Commission as volunteer observers with terms to expire September 30, 2007: Luke Leonard, Jr., Jim Coffin, Dave Cavanaugh, Dave Lemmo, Harold Atkins, Ron Burgess, Joe Runci, Cliff Chausse, Tom Debrum, Arthur Standish, Sargent Johnson, Robert Deane, Francis Pereira, Luann Livesey-Howe, Kristen Chin.
Unanimous in favor.

Request from Lakeville School Committee to Declare Items as Surplus

Chairman LaCamera stated that the Superintendent provided a list of items that were declared surplus by the Lakeville School Committee and they are asking if the funds generated from the sale of the surplus computers could go towards the Playground. The special discount from the vendor ends at the end of the year, and no school funds have gone towards the project. It is thought that \$70,000 has been raised for the playground to date. It has been estimated that \$50-\$100 could be received per computer and that a maximum of \$10,000 might be received.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To declare the list of items as forwarded to the Town and voted on by the Lakeville School Committee as surplus and to allow the funds generated from the sale of the surplus computers to go towards the playground for Assawompset School.
Unanimous in favor.

Ms. Garbitt stated that if there is no use for the copiers and risographs, they are to be discarded. The surplus/obsolete computers may first be offered to those in the School Community and then an ad will be run in the paper.

Review and vote to approve Selectmen's meeting minutes of September 26, 2006, October 2, 2006 and October 11, 2006

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of September 26, 2006, October 2, 2006 and October 11, 2006 as presented.
Unanimous in favor.

Other Items

1. Letters from Attorney General regarding Special Town Meeting October 10, 2006
Chairman LaCamera mentioned that the Attorney General has approved the 40R bylaw that was recently approved at the Town Meeting. The next step is to submit the final application to the DHCD (Department of Housing and Community Development). This has been done and the Town is waiting on final signature.
2. Letter from Division of Fisheries & Wildlife regarding Lakeville Country Homes
3. Letter from Old Colony regarding budget subcommittee
Chairman LaCamera asked if the Old Colony letter had been provided to the Finance Committee? Ms. Garbitt responded that it had been. They receive their own copy and the Board of Selectmen are copied.
4. Letter from DHCD regarding relocation assistance
5. Agenda-Middleborough Gas & Electric Department meeting-November 14, 2006
6. Plymouth County Commissioner's meeting agenda-November 14, 2006
7. Letter from MEMA regarding Citizens Corp Program
8. Letter from Comcast regarding upcoming changes
9. Draft CY 2007 Intended Use Plan and Project Priority List – Revolving Fund Loan Program for Clean Water Projects
Selectman Yeatts stated that the Town made the list for the State Revolving Fund Loan Program for Clean Water Projects, yet it is not known how much good it will do the Town this year. It is not easy to make the list.
10. Meeting notice-SRPEDD Commission-November 29, 2006
11. SRPEDD Regional Review
12. Request for Proposals from DCAM for office space

Selectman LaCamera stated that he has been offered the Town Administrators position in the Town of Rochester. He has accepted the position pending contract negotiations.. Until such time that he does take the job discussion will take place about him continuing on as part of the Lakeville Board of Selectmen. The Selectmen in Rochester also meet on Monday nights and they meet weekly.

At 8:08, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To enter into Executive Session and not return to Open Session for the purpose of discussing pending litigation. Polled vote Selectman Yeatts, aye, Selectman Evirs, aye and Selectman LaCamera, aye.