

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**December 5, 2011 - 7:00 PM**

On December 5, 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 (entered at 7:36 PM). Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. No one was recording the meeting this evening.

**7:00 PM Public Hearing for Dancing on Weekdays and Public Entertainment on Sundays Licenses-Lakeville Golf Club**

Chairman Olivier read the legal notice into the record.

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

VOTED: To open the hearing for Dancing on Weekdays Permit and Public Entertainment on Sundays License for the Lakeville Golf Club.  
Unanimous in favor.

Ms. Garbitt stated that the previous owner did not renew his Dancing on Weekdays Permit and Public Entertainment on Sundays License. Abutters were notified, but the notices were not required to be sent by certified mail.

Kim Curtis of 42 Clear Pond Road stated that there have been several accidents due to people leaving the golf course after they had been drinking. She would prefer that no drinking be allowed there. She has two (2) small children which she is concerned about. Chairman Olivier stated that there are several other golf courses in Town with liquor licenses. It is up to the owners of those establishments to make sure that patrons are not getting inebriated, and to the customers to make sure they are not driving drunk. Ron Cassette of 46 Clear Pond Road stated that he agreed with Ms. Curtis. People throw beer cans out their windows and are quite inebriated at times. They make loud screeching noises with their tires when they leave the tournaments. The owners do not know how many drinks these people may have had on the golf course. Mr. Cassette stated that the place does look better than it did before. Nelson Pratt of Captain's Way stated we want the new owners to succeed. We have to give them every opportunity to be successful. Dr. Barbara Pinell of 42 Clear Pond Road stated that she has a lot of concerns about the people that drive into her driveway when they miss the sign for the golf club. Is there another entrance and exit? Ms. Garbitt explained that there used to be a different exit on Harcourt Avenue, but the Special Permit from the Zoning Board of Appeals specified that it be closed. All traffic goes onto the property from Clear Pond Road. Ms. Pinell stated that kids walk up and down the road. We certainly think Lakeville needs income from a property useful to the community, but she does not know how you deal with the drinking. People coming from the golf course pull into her driveway, which is downhill of where the kids play basketball. Mr. Cassette stated that there is no light in the front of the driveway for the golf course.

Madelyn Maksy, Lakeville resident and owner of the golf club said she has been concerned about matters with safety as well. She is planning on having better lighting installed for the entranceway. There is a light that the business pays for, but that is more in the parking lot. The lighting issues will be addressed, and there will be a sign for people indicating the entrance. Right now there is only a sign on the stone wall, which is overgrown, and the area is dark. Chairman Olivier mentioned that the bartenders have to take a course to teach them how to tell when someone drinks too much, and how to stop serving them. Ms. Maksy added that it is a Serve Safe Certification. Ms. Maksy has also taken the course. Chairman Olivier asked about the trash. Ms. Maksy stated that they have been very diligent in keeping the entrance groomed and will take a closer look for stray beer cans. She presently lives on the back of the property and gets wrappers and other rubbish into her yard as well. The rangers do pick up trash each night. They are working on this.

Robert Durfee of 36 Reservoir Avenue lives in the second house up from the parking lot. He stated that the golf club has kept him and his family up late at night before with the boom, boom of the music all the time. He does not want to put up with that again. Another resident asked about a sidewalk on Clear Pond Road. Can a sidewalk be put in because the bushes have grown all the way out into the road? There is no place for the kids to walk, except for the road. Children walk to and from the pond all summer, and being kids, don't pay attention. Chairman Olivier explained that it is up to the parents to make sure their kids are taught to be safe. Ms. Curtis asked if there will be a time restriction on how late the club will be open. Ms. Maksy stated that the club is open to 12:45 AM right now. Ms. Craig added that the hours on the liquor license are 12:45 AM for last call with all patrons out by 1:15 AM. These are the same hours for all the All Alcohol Common Victualler Licenses in Lakeville. Mr. Cassette asked if the crowd that will be dancing will be from New Bedford and Brockton. Ms. Maksy stated that she could not comment on that. Chairman Olivier stated that the owners cannot say to people that if they are from New Bedford, they cannot have their wedding reception at the premises. Mr. Cassette stated that there is always a little ruckus there.

Selectman Belliveau explained that the owners already have a liquor license. This discussion is about the Dancing on Weekdays Permit and Public Entertainment on Sundays License. Chairman Olivier stated that the Town has three (3) other golf courses. They all have a liquor license. Ms. Curtis stated that those that go to golf will then have a few more drinks in the clubhouse after they golf. Ms. Craig stated that in 1982, the original Public Entertainment on Sundays License was issued. In January of 1984, they were approved for the Dancing on Weekdays Permit. Mrs. Cassette asked if there will be nightly dancing or just functions. Ms. Maksy responded that they have plans for the restaurant and have a guitarist scheduled to come in on Thursdays. The club is open to the public now. It is their hope to bring in new entertainment, so there is another place for the community to enjoy. Ms. Maksy stated that she put a new lock on the gate to keep it closed. The Fire Department would just break the gate if there is a need to enter the site quickly. David Goodfellow, Deputy Fire Chief, stated that it would be nice if the Fire Department was provided a key to the gate.

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

VOTED: To close the Hearing for Dancing on Weekdays Permit and Public Entertainment on Sundays License for Lakeville Golf Club.  
Unanimous in favor.

Selectman Belliveau said that he bartended for ten (10) years. You can tell when someone walks into a club who has already been drinking. However, it is hard in this venue to watch people when they are golfing and drinking. Unfortunately, this has nothing to do with the kids on that road. Perhaps we can install some signage that makes people aware that there are children there and to go slow. Chairman Olivier stated that the Board can talk to the Police Chief to make sure that there is a patrol car around so that people slow down. Ms. Garbitt stated that the sidewalk issue had been discussed for years. To obtain a right of way to acquire the land to put in sidewalks, the Town would have to take land from a lot of people. There was some opposition when this was considered before, and the cost is also a factor. Chairman Olivier stated that there are new owners, and they should be given a chance.

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 Dancing on Weekdays Permit and the Public Entertainment on Sundays License for Lakeville Golf Club, with the hours being set from 1:00 PM to 1:00 AM.  
Unanimous in favor.

### **7:30 PM Continuation of Hearing to set Minimum Residential Factor**

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

VOTED: To open and continue the Hearing to set the Minimum Residential Factor.  
Unanimous in favor.

Ms. Garbitt stated that the Selectmen have a meeting next week regarding Tax Increment Financing and can continue the hearing until next week at 6:55 PM. If we have not heard from the Department of Revenue (DOR), we can continue the hearing again. This is a combination of two (2) things at the DOR. Employees are retiring, so Field Representatives are ending up with more communities that they are responsible for. In addition, there has been a reduction in their workforce. Last year, we set the Minimum Residential Factor the last week of the year. The tax bills have to be postmarked by December 31<sup>st</sup>. Chairman Olivier then updated Selectman Maksy who just came into the meeting at 7:36 PM. He stated that the Board will continue this hearing to the 12<sup>th</sup> of December.

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

VOTED: To continue the Hearing to set the Minimum Residential Factor to December 12<sup>th</sup> at 6:55 PM at the Lakeville Senior Center.  
Unanimous in favor.

**Review comments from the Building Commissioner and Open Space Committee regarding Tax Title properties for auction by Town Treasurer**

Ms. Garbitt stated that the Town Treasurer has received a lot of calls from abutters interested in purchasing the properties, but she is required to auction the properties off. Typically when properties are foreclosed on and there has been no activity on them in a year, they are auctioned off. The Treasurer would like to get them back onto the tax rolls. Chairman Olivier stated that if there is interest in the properties, they should be returned to be revenue producing on the tax rolls. Perhaps the Town should hold off on auctioning the Lewis Island property. Ms. Garbitt stated that the Lewis Island property is the one (1) property that the Treasurer gets calls on. There is someone on the island that is interested in it. Discussion occurred about the properties in Clark Shores and perhaps a future sewer line. Selectman Maksy stated a sewer line is something in the far future. Chairman Olivier asked about the property that the Clark Shore Water Association was looking at. Ms. Garbitt responded that was the Nook Street property, located at the end of a dead end street. Ms. Garbitt suggested giving an easement over the property. That would need to go to Town Meeting. Ms. Garbitt will check to see if they are still interested in the property or if they have worked around that issue.

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

VOTED: To exclude the Nook Street property for now. However, if it is not needed by the Clark Shores Water Association, then it will be added with the other properties for the Town Treasurer to auction them off, with the exception of Lewis Island.  
Unanimous in favor.

**Discuss Hours of Operation for Town Office Building and Assessors' Office**

Chairman Olivier explained that several years ago, the Board was looking to move from a five (5) day work week to a four (4) day work week for various reasons. Now the Board would like to change back to a five (5) day work week since there seems to be diminishing returns on productivity due to working such a long workday. Department Heads were asked to supply the Board operating hours for a five (5) day week.

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

VOTED: To accept the hours as written on the memo dated November 2, 2011. The Selectmen would like to have the Assessors' Office stay open on Wednesdays, effective next week, December 14, 2011. The nine (9) hour days will start on Monday, December 12, 2011.  
Unanimous in favor.

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

VOTED: To include that the nine (9) hour work day would be for non-elected officials, effective Monday, December 12<sup>th</sup>.  
Unanimous in favor.

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

VOTED: That when a holiday takes place on a workday, those scheduled to work on that day will get paid for eight (8) hours, and they will have to adjust their schedule to compensate for that during the week.  
Unanimous in favor.

Selectman Belliveau suggested that for the Town Clerk and Treasurer stay open late on Tuesdays when there is a Monday holiday. Chairman Olivier stated that they will adjust their hours to be available for the public. Selectman Belliveau asked what would be done if there are a lot of Monday holidays. Selectman Maksy responded that it will work out. Ms. Garbitt stated that if all Departments were like the Highway Department working an eight (8) day, it would be simple. Further discussion took place regarding how to make sure that the employees get paid their holiday pay of eight (8) hours. There are 13 holidays each year and they use eight (8) hours for each day. It all depends if the holiday is on a Friday or Monday. Selectman Belliveau stated that tomorrow morning, he will pull out his calendar and look at this. Selectman Maksy stated that he will have to go back five (5) years. Selectman Maksy suggested to give the Departments a bank of 96 hours and allow them to draw on it for holidays. In the end, it will balance itself out. Ms. Garbitt stated that she will work with Selectman Belliveau on this. Vacation and Sick Time has already been converted from days to hours. Ms. Garbitt stated that she and Selectman Belliveau will have to go back and look at the holidays that were approved.

### **Review and vote to renew Annual Liquor Licenses**

*Selectman Maksy abstained from the discussion.* Ms. Craig stated that all licensees have filed for renewal of their liquor licenses. Renewal applications were mailed out in October and needed to be returned by November 30<sup>th</sup>. Chairman Olivier read all the licensee information with their hours.

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 following Alcohol Licenses with their current hours of operation:

Package Store Wine & Malt Licenses: Paul F. Grasso, d/b/a Tutto Italiano and Gulf Resources, Inc.

Package Store All Alcohol Licenses: Savas Liquors, Inc.; BBP, Inc., d/b/a Muckey's; Tamarack Wine & Spirits, Inc.; and Joseph R. Starr, d/b/a Starr's Country Market.

Common Victualler All Alcohol licenses: Camp Joe Hooker, Inc; Hawaii Corporation, d/b/a/ Orchid of Hawaii; Poquoy Investment Group, Ltd.; Reservoir Heights, Inc., d/b/a Lakeville Country Club; LeBaron Operating Company, LLC dba LeBaron Hills Country Club; and The Back Nine Club, Inc.

General On Premise Wine & Malt: Lakeville Virtual Entertainment Group, Inc.

Club All Alcohol: Lakeville Aerie No. 3994, dba Fraternal Order of Eagles, Inc.  
Unanimous in favor

Ms. Curtis asked if the Board just approves the renewals every year, and the public does not get a say. Residents should be allowed to have a say. Chairman Olivier stated that they are being renewed right now. Ms. Garbitt explained that the rules are set by the ABCC. There would need to be a reason to deny the license renewal, as it would be appealed to the ABCC. Ms. Craig stated that technically, the Board of Selectmen does not even have to vote to renew licenses. They are automatically renewed when the applicant comes in with their application before November 30<sup>th</sup>. The only time the Board could not renew a license is if there was just cause.

### **Review Quotes for Electrical and Plumbing Services**

Ms. Garbitt explained that the plumbing and electrical services would be for all Town owned buildings for routine work.

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

VOTED: To award the electrical bid to Kevin Thew with a weekday, night/weekend and holiday rate of \$60/hour.  
Unanimous in favor.

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

VOTED: To award the plumbing bid to Lakeville Plumbing with a weekday rate of \$65/hour, a night/weekend rate of \$85/hour and a holiday rate of \$95/hour.  
Unanimous in favor.

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

VOTED: To authorize the Town Administrator to sign the contracts for the plumbing and electrical bid awards.  
Unanimous in favor.

### **Update on Taunton IMA Amendment with Taunton City Council DPW Committee**

Chairman Olivier explained that he arrived late to the City Council Meeting and the hearing was over by the time he arrived. However, Ms. Garbitt was present. Ms. Garbitt updated the Board on what took place regarding the first Amendment to the Inter-municipal Agreement

between the Town of Lakeville and the City of Taunton for the Processing and Delivery of Drinking Water. Three (3) major items were discussed. Item #3 on the first page: The City of Taunton is interested when Lakeville would be able to start billing. She told Taunton that we are presently looking into that. The City of Taunton would like Lakeville to take over their portion of the billing by June 30<sup>th</sup>. They understand that the Board of Selectmen is anxious to start billing. There will be another amendment when the new Mayor and City Solicitor are in office. Item #5 on the second page: Lakeville was hoping that the special assessments for water connections would come to the Town of Lakeville rather than the City of Taunton, and they had no issue with that. Item #7 also on the second page: the City of Taunton had questions about the services provided by the City of Taunton. Cathal O'Brien said that Lakeville would receive an amendment to the amendment with much clearer language from the new city Solicitor. They were very receptive to it, and the meeting went very well.

**Request for Proclamation-Friends of the Library Week – December 4<sup>th</sup> through December 10<sup>th</sup>**

Chairman Olivier read the request for the Proclamation for Friends of the Library Week.

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

VOTED: To waive the reading of the Proclamation and to declare the week of December 4 through December 10, 2011 as Friends of the Lakeville Library Week.  
Unanimous in favor.

**Review Zoning Board of Appeals petition for Kyranos-Lot 20-8 Myricks Street**

The Board reviewed the petition for the property known as Lot 20-8 Myricks Street. The applicant is seeking permission to build a single family residence with an accessory apartment on land located in an Industrial B zone. There were no comments on the petition at this time.

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

VOTED: To send a letter that the Selectmen have no comments on this petition at this time.  
Unanimous in favor.

**Review and vote to approve Selectmen Meeting Minutes: September 27, 2011 and October 12, 2011**

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

VOTED: To approve the Selectmen Meeting Minutes of September 27, 2011 with the change that Selectman Belliveau toured the plant, not Chairman Olivier.  
Unanimous in favor

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

VOTED: To approve the Selectmen Meeting Minutes of October 12, 2011 as presented.  
Unanimous in favor.

**Review and vote to approve Selectmen Executive Session Meeting Minutes: October 3, 2011, November 7, 2011 and November 21, 2011**

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

VOTED: To approve the Selectmen Executive Session Meeting Minutes of October 3, 2011; November 7, 2011 and November 21, 2011 as presented.  
Unanimous in favor.

**New Business**

Chairman Olivier read the request from the Fire Chief for the appointment of Kathleen Denneen as a full-time Firefighter/Paramedic.

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

VOTED: To appoint Kathleen Denneen as full-time Firefighter/Paramedic to the Lakeville Fire Department upon the successful completion of a one (1) year probationary period and successful completion of the Mass Firefighting Academy Recruit Fire Training Program, effective December 5, 2011.  
Unanimous in favor.

Ms. Garbitt stated that the Town had a 1997 Surplus School Van parked at the Town Office Building. The Town Manager for Bridgewater had inquired if Lakeville might be interested in donating the van to Bridgewater. They do not have a vehicle to pick up stray animals with. Their Dog Officer is picking up animals in his personal vehicle. The Fire Department was going to use the van for the dive team, but it needs too much work.

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

VOTED: To donate the 1997 Surplus School Van to the Town of Bridgewater.  
Unanimous in favor.

Ms. Garbitt stated that she had received a call from FEMA that the new flood maps will be coming out the beginning of the year. The Town must go to Town Meeting to adopt them or the Town will lose status in a flood zone for flood insurance.



## **Old Business**

Chairman Olivier spoke about the pumper trucks failing their pump tests. The Board approved funds to purchase one (1) used pumper for the Fire Department. The Fire Chief has found a vehicle in the amount of \$22,000. It is a little less than what is available in the Reserve Fund. The Fire Chief is requesting the approval of the Board to purchase the 1991 PS pumper with 12,000 miles. It has passed the pumper and pressurizing test.

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

VOTED: To approve the purchase of a 1991 PS pumper with 12,000 miles for the Fire Department in the amount of \$22,000.  
Unanimous in favor.

Thomas Dunlevy, Lakeville Firefighter, asked how long the Board expected the vehicle to last. Selectman Maksy responded that the Chief said it should last three (3) to five (5) years. Chairman Olivier added that the Fire Chief has requested a new fire truck on the Capital Plan for years, but the Town has not had the money, so it has not been purchased. Chairman Olivier stated that the Board came up with a new plan, which is an emergency stop gap. Either the Town will have to pay a lot for a brand new one or buy one (1) used and pay for some repair and maintenance. The Board is looking to find a happy medium. The Board would like to begin putting money away so that a new vehicle can be purchased in the future. The fees were just increased for the ambulance service. The additional ambulance fees will now be put in its own stabilization fund to purchase equipment for the Fire Department. Lakeville does not use the trucks as much as if it was a city, and that has to be taken into consideration. Ms. Garbitt stated that the Fire Chief submitted his Capital Plan for FY13 and has requested a pumper. Selectman Maksy stated that the Board/Town needs to make a commitment to purchase this item, and let the small things wait. It was noted that the last used fire truck purchased, the Town spent \$15,000 for maintenance and repairs. Selectman Belliveau stated that the plan is to get a new truck in the next few years. Mr. Dunlevy responded that the Fire Department has been hearing that for the last few years.

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

Selectman Belliveau stated that there was a meeting today to prepare for the meeting at the Library tomorrow night regarding the pond levels. The Town's Legislators will be in attendance. The general format of the meeting will be to explain where things are at, and what happened when the abundance of rain made an increase to the pond levels in September and October, and to have a question and answer time for residents. The Selectmen from Middleborough and Freetown have been invited. Today the data from the Nemasket River was reviewed. The general idea is that it might have a small effect on draining the pond, but not a dramatic effect. At the Wareham Street dam, the pitch is less than .015'. Chairman Olivier suggested perhaps using cranberry pumps and shoot the water out so that it will flow better. This will lower the ponds a lot quicker. Selectman Belliveau stated that to lower the ponds one (1) inch, you have to move 89.5 million gallons of water. Bill Schwartz told me that when Taunton pumps water, they pump at seven (7) million gallons a day. Chairman Olivier stated that the water is evaporating

quicker than you think, and they are drawing on it. That has to be factored in. We all need to do all that can be done. Further discussion took place on the background information.

Selectman Belliveau said that Keiko Orrall has contacted Plymouth County Mosquito Control. They would be able to help in small areas, like the fish ladder. The Army Corps of Engineers can do the engineering. There is a concern on any dredging that may need to be done not getting past the Conservation Commission of either Town. The matter will not fix itself. It will take some attention and money, and the government does not have the money. Selectman Belliveau stated that it was also discussed that if we all got together as a voice, then perhaps we could get some money.

### **Other Items**

1. Letter from Representative Christopher Markey regarding sidewalk on Route 18  
Chairman Olivier read the letter dated November 21, 2011 about the crosswalk placement on Route 18 by the Route 105 intersection in Lakeville.
2. Letter sent to Senator Michael Rodrigues regarding Assawompset Pond Complex levels
3. Mass Wildlife Advisory
4. Notice from FEMA regarding upcoming Risk Mapping, Assessment and Planning Discovery Meeting – December 6, 2011 at 10:00 AM – Taunton City Hall Council Chambers
5. Mass Wildlife Advisory
6. Plymouth County Cooperative Extension Annual Report and Annual Fee for 2011-2012
7. Notice from Verizon regarding FIOS TV for Business Channel Changes
8. SRPEDD Agenda for December 7, 2011

At 9:32 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter into Executive Session and not return to Open Session to discuss strategy with respect to the Collective Bargaining Agreements with the Fire and Police Unions, to discuss strategy in preparation for negotiations with non-union personnel, to discuss contract negotiations with non-union personnel, specifically the Fire Chief's contract, 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 of: Selectman Belliveau - aye, Selectman Maksy - aye and Selectman Olivier - aye.