

SELECTMEN'S MEETING MINUTES

Monday, December 7, 2009

On December 7, 2009, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building. The meeting was called to order by Chairman Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant, and Christine Weston, Recording Secretary.

7:00 PM Meet with Anna Nalavenko-CBDG project

Anna Nalavenko, Director of the Office of Economic & Community Development of Middleborough was present for the discussion. Ms. Nalavenko said she had been working with Selectman Yeatts and Ms. Garbitt on the Community Block Development Grant (CBDG). The first step is to identify the activities across the two (2) communities. Eligible CBDG projects include, but are not limited to, housing rehabilitation or development, micro-enterprise or other business assistance, infrastructure, community/public facilities, public social services, planning, removal or architectural barriers to allow access by persons with disabilities and downtown or area revitalization. The Town of Middleborough is still soliciting input into a Community Development Strategy, priorities for the Town and the Town of Lakeville will also need to complete this process, along with public forums to solicit input. Initial feedback supports the continuation of this CBDG eligible activity: Housing Rehabilitation Assistance Program. Through discussions with Lakeville, this program would also be beneficial to Clark Shore residents. Also, a second activity must be conducted across the two (2) communities. A public social service activity is being considered (i.e., emergency assistance, food bank, etc.). Each Town needs to develop a list of projects and priorities in their Town. From that list, input will be encouraged from the public at public meetings. We will document the priorities from each Town, and then prioritize them into a list that works for both Towns. Ms. Nalavenko stated the CBDG is a very difficult grant to put together since it is so involved. A grant application receives more points for being a joint application and having more than one (1) activity. Housing Rehabilitation or development usually has a target area, like Clark Shores. The goal is to improve one (1) area, then potentially move onto another area. Right now we need to discuss the overall priorities of the Town and gather input.

Ms. Nalavenko stated that it would be best to address low to moderate income property owner's needs. Selectman Yeatts suggested maybe the shorefront communities could get rehabilitation funds for their houses. Ms. Garbitt stated that the Town does have income numbers since a survey was done for the community well in Clark Shores. Selectman Yeatts agreed that Clark Shores would be income eligible. Ms. Nalavenko added that the grant also requires that the Towns look at their Master Plans and update. The grant is up to \$800,000 for one (1) community and up to \$1 million for two (2) communities. For housing rehabilitation, money is available for deleading, roof work, weatherproofing. It must be performed on year round homes. Ms. Nalavenko explained that the funds would be part grant and part loan for the shorefront communities. There would be 0% interest on the loans for up to 15 years. Ms. Garbitt said she and Chairman Maksy were working on the Board's priorities. She will put the Selectmen's Priority List on the next agenda. Ms. Nalavenko said the grant application is due

February 12, 2010, and the Town needs to show that we have started working on it. Ms. Garbitt said she would put Ms. Nalavenko on the Selectmen's next agenda to discuss the Priority List.

7:30 PM Meet with Attorney Jeffrey Lovely regarding request for Taunton Water-Joe's Gas

Robert Mathers, Esquire and Joseph Lovely, Esquire, were present representing Gulf Resources, d/b/a Joe's Gas and Bedford Holdings, LLC. Attorney Mathers took the floor and said that Bedford Holdings, LLC was the property owner and Gulf Resources, Inc. was the operator of Joe's Gas. The City of Taunton has conveyed that they have no problem with the hook up of municipal water to the gas station. However, they said they cannot allow the hookup until Lakeville approves it. Attorney Mathers said that Lakeville's Zoning By-law requires a Special Permit for gasoline stations and requires them to be hooked up to municipal water. At this time, Joe's Gas is even more non-conforming and that is not a desirable position to be in. The Town has the opportunity to allow the property to be more conforming. The gasoline station is a state of the art station with top of the line equipment, new pipes and underground storage tanks. There is an artesian well only 20-25 feet away from the tanks. If there was a gasoline spill, it would not take much to get into the aquifer. Hooking up to Taunton water eliminates that possibility. Right now the station sells coffee, but they have to do this in a contained system using bottled water. Gasoline stations are not what they used to be. They are more like mini-service marts, selling cigarettes, lottery, beer and wine, food, etc. The water coming from the well, which is only used for cleaning purposes and for the restrooms, emits an odor.

Attorney Mathers said they realize that the Town is concerned about setting a precedent, but this is the only gasoline station in Town. The property owners are aware of the issue with MCI Bridgewater with unacceptable lead in the Taunton water. However, all indications are that the problem is at the prison, not the Taunton water line that goes by the property. Attorney Mather was not able to reach Cathal O'Brien from the Taunton Water Department today to discuss the matter. The owners fully understand that this is the first step in the process. It is understood that the Town of Lakeville may grant the hook up with an approval from the City of Taunton.

Selectman Yeatts stated that the gasoline station is not non-conforming since they are grandfathered in. They do not have to connect to municipal water. She asked where they received the information about the aquifer. Attorney Mathers responded that it was in a letter they received from Lord Associates, Inc., who is an Environmental Consulting Company. Selectman Yeatts explained that the sulfur smell in the well water is pretty common and is not a problem. She said that Lakeville had been told by Taunton that it cannot tie into that pipe. Selectman Yeatts said the question is would Lakeville be liable for maintenance of the pipe if Lakeville allows someone to tie into that pipe. Chairman Maksy stated that he would hope to tie into that pipe sometime in the future.

Selectman Yeatts suggested that the Board take this matter under advisement and do a little more research since the Town has been told that it was not able to tie into that pipe. Selectman Evirs added that the Town always thought it was a dedicated line to the prison. Now this leaves some questions. The City of Taunton may be just citing the Water Agreement that Lakeville has right now, outside of the Intermunicipal Agreement (IMA). Selectman Evirs said if this line becomes part of Lakeville's own infrastructure, then Lakeville may have that many more

customers. Chairman Maksy explained the upcoming IMA with the City of Taunton and how the prison line was being excluded. The State put the line in and the Division of Capital Management (DCAM) might have some authority over that line since they are in charge of all State property. However, looking towards the future, Lakeville could get a big user that could tie into this line. This may help the Town gain more business in this area. Chairman Maksy stated that DCAM could ask the prison if they need full capacity. If they only need 40% of the water, then they could release the other 60%. Selectman Yeatts stated that she would like to do more research on this matter. Selectman Evirs stated that he felt the Board needs to send a letter to the City of Taunton expressing the Board's concerns. Selectman Yeatts stated that the Town has been told for years that that is a dedicated line to the prison, and that Taunton could not allow tie ins. Selectman Yeatts stated that the Town needs to find out about the liability. The Board will send a letter and talk to the City of Taunton. She stated that she wants to find out more about this before she says that she is for or against it. It was agreed that the parties return for the Board's January 25, 2010 meeting.

Meet with Fire Chief Hopkins regarding a grant application

Daniel Hopkins, Fire Chief, was present for the discussion. He stated that he wanted the blessing of the Board to apply for a grant to add four (4) firefighters. The grant application is due next week. The grant will pay the salaries for two (2) years at 100%. In the third year, the Town will have to make a commitment that they will not lay any Fire Personnel off. This would add one (1) firefighter per shift. If the Board does not feel favorably, then he will not apply for the grant since there is a lot of work for the application process. If he was approved for the grant, there would then be three (3) fire fighters on each shift. Chief Hopkins said he would find out about the grant in March or April 2010. If he gets the four (4) firefighters, that cuts down on overtime. Selectman Yeatts suggested that Chief Hopkins only go for two (2) firefighters. She could not see hiring four (4) firefighters. The Fire Department's budget was cut 10% to the Police Department's 20% cut. Chief Hopkins stated that the cut hit his Department just as much as the Police, since their budget is higher than the Fire Department. When he has only two (2) firefighters to go to a fire, that could be a problem. Discussion occurred about the cost to the Town after the grant. Selectman Evirs asked if Chief Hopkins applied for four (4) firefighters, and was approved, could he not take all four (4) positions. Chief Hopkins responded that he did not have to take it all.

Chairman Maksy asked about regionalizing the ambulance if the Town went with four (4) firefighters. Chief Hopkins stated that he had not considered that, but he would most likely need more personnel. Freetown has two (2) of their own ambulances. Chairman Maksy suggested that the Fire Chief apply for the four (4) positions and then the Board would revisit it if the grant was awarded. The Board is not committing to four (4) positions right now. He would like to know what the Town would have to pay if the Town had to get out of the contract. Chief Hopkins stated that the Call Firefighters are not around during the day and at night like they used to be. The Board needs to start thinking about adding personnel. The Town would probably have to pay back what it received from the grant if it backed out. Chief Hopkins asked about requesting two (2) firefighters now and then with next year's grant; go for two (2) more. It is not guaranteed that the Fire Department will get anything. The Fire Department did lose one (1) person so that position can go into the grant as a layoff instead of a new hire. It was agreed that Chief Hopkins will go for one (1) new firefighter and bring someone back that was not replaced.

Discuss renewal of contracts for Animal Shelter with Towns of Berkley, Carver, Freetown, Raynham and Rochester

Ms. Garbitt stated that it has been another successful year for the Animal Shelter and the Towns that board with the Shelter. The Town has collected \$21,495 up to December 1, 2009. The income covers the stipends for the part time Animal Control Officers. David Frates, Animal Control Officer, has recommended that all of the contracts be renewed and that the fees remain the same.

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

VOTED: To renew the contracts with the Towns of Carver, Berkley, Rochester, Freetown and Raynham for use of the Animal Shelter and not to raise the fees.
Unanimous in favor.

Vote to award the bid for construction of the Water Storage Tank

Selectman Yeatts stated that the low bid for the Water Storage Tank was submitted by R. P. Iannucillo & Sons. The bids have been reviewed by Camp, Dresser and McKee. The Board is now able to award the contract to R. P. Iannucillo & Sons, subject to funding.

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

VOTED: To award the contract to R. P. Iannucillo & Sons for the Water Storage Tank, subject to funding as stated in the letter dated December 1, 2009 by Camp, Dresser and McKee and to authorize the Town Administrator to sign the contract.
Unanimous in favor.

Review and vote to sign Intermunicipal Agreement with City of Taunton

Selectman Yeatts stated that the Board does not have the Intermunicipal Agreement (IMA) yet. The Taunton City Council voted for the Mayor to sign it with three (3) minor changes. The changes are grammatical with some sentence changes. She said that the Board could vote to sign the IMA depending on Town Counsel's approval of the changes or wait another two (2) weeks for the final draft. Selectman Yeatts stated that she would like to get the agreement signed so that the Town can get the State Revolving Fund paperwork signed. Ms. Garbitt said that the Board could also call another meeting to sign the IMA, if it was received from Taunton. The Board decided they would like Town Counsel to review the IMA again prior to signing. Ms. Craig will post a meeting at the Library for the CDBG meeting and for the unity rally as well. If the agreement comes in, then the Board can sign it then.

Review and vote to sign contract with Vision Appraisal for Web Hosting

Ms. Garbitt explained that this was for access to the Town's field cards on the Town's website. She said there was a typographical error on the agreement. The contract will run from January 1, 2010 through December 31, 2010. Payment will be due August 1, 2010. The Assessors will encumber the money in 2010 and pay it in the 2011 budget.

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

VOTED: To sign the Vision Appraisal contract with the correction in the dates.
Unanimous in favor.

Vote to accept resignation of James Hanlon from Finance Committee

Selectman Yeatts read the resignation into the record. Ms. Garbitt asked that the press publicize the vacancy on the Finance Committee. Letters of interest should be submitted to the Selectmen's Office by January 4, 2010. Then the Selectmen and the Finance Committee would make a joint appointment.

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

VOTED: To accept the resignation of James Hanlon from the Finance Committee and to send a letter of thanks for his service.
Unanimous in favor.

Vote to accept resignation of Douglas Young as Election Officer

Selectman Yeatts read the resignation into the record.

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

VOTED: To accept the resignation of Douglas Young as Election Officer and to send a letter of thanks for his service.
Unanimous in favor.

Discuss appointment of Representative to FAA Logan Airport Community Advisory Committee

Chairman Maksy said the Board had received a letter of interest from Paul Meleedy to be the Town's Representative to the FAA Logan Airport Community Advisory Committee.

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

VOTED: To appoint Paul Meleedy as Lakeville's representative to the FAA Logan Airport Community Advisory Committee.
Unanimous in favor.

Announce Unity Rally on December 10, 2009

Chairman Maksy announced the Unity Rally to be held on December 10th at 7:00 PM at Assawompset School.

Discuss FY11 Departmental Budget Requests and FY11 Capital Plan Requests

Selectman Yeatts stated that she and Ms. Garbitt have begun talking about the FY11 budget. It is being recommended to ask Department Heads for two (2) budgets: a maintenance budget with the increased hours and a maintenance budget with a 2% raise for non-union personnel and raises that fulfill the contractual agreements with unions. The Town is looking at lower Unemployment numbers since some of the employees that were laid off have gotten new jobs. It does not appear that the Town is looking at deeper cuts at this time, and we will try and honor all the agreements that we have. Ms. Garbitt stated that she did ask Selectman Yeatts about budgeting for increased hours, but she does not want to ask Department Heads to submit multiple budgets. Selectman Evirs said that the Town started with those two (2) types of budgets last year, so we should start there again. Discussion ensued regarding having one (1) budget that showed a 2% increase and contractual increases instead of two (2) separate budgets.

Ms. Garbitt added that this is the time of year that she sends out requests to the Departments for their Capital Needs. Should she forewarn them like last year that it does not look like there will be much money available. Selectman Evirs stated that the Departments still have to see where they are and have a long range plan.

Review Zoning Board of Appeals petition: Green and Gonsalves

Chairman Maksy said that the Board had received two (2) petitions for review from the Zoning Board of Appeals. The first petition was for 46 Shore Avenue. Chairman Maksy stated that he would like the petitioner to clarify that they are staying in the existing footprint since he cannot see how they are going to do that. He also had some questions about the proposed entrance deck. He was questioning whether it meets the front lot line setback. Chairman Maksy also questioned the location of the shed. It seems that they need a variance or does it meet setback requirements. Ms. Craig stated that the Assessors have an existing shed assessed on the property. Selectman Evirs asked where is the shed that they refer to in their letter. Selectman Yeatts questioned the Order of Conditions because they usually do not write the date in. She wondered if the Conservation Commission has seen this exact plan. Ms. Garbitt stated that the Board needs to see the plan and find out who wrote in that date.

Chairman Maksy reviewed the petition for 28 Central Avenue. There is already a garage that has been turned into a bedroom at that location. Now they want to add a garage with a family room over it. The current house contains 1,008 square feet for the main house, and then there is a master bedroom and a den for a total of 1,752 square feet. Selectman Yeatts stated that this needs to be conditional upon plans from the Conservation Commission and the septic system. Typically, these issues need to be taken care of prior to being presented to the Zoning Board of Appeals. They need the Board of Health and the Conservation Commission approvals first.

Review and vote to approve Selectmen's Meeting Minutes: June 8, 2009, June 10, 2009, June 22, 2009, October 5, 2009, November 30, 2009 and December 1, 2009

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

VOTED: To approve the Selectmen's Meeting Minutes of June 8, 2009; June 10, 2009; June 22, 2009; and October 5, 2009 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of November 30, 2009 and December 1, 2009 as presented.
Two in favor, one abstain.

Any other business that may properly come before the meeting

Ms. Garbitt stated that there will be a Power Plant meeting on Wednesday night and Selectman Yeatts will be attending. It will be at 7:00 PM at the West Bridgewater Middle-Senior High School Auditorium.

Ms. Garbitt stated that she and Selectman Yeatts had met with Vital Med, who own the lot right next to the dumbbell lot in the Industrial Park. It was going to cost them \$400,000 to put in tanks for fire suppression, if the Department of Environmental Protection (DEP) would allow them to. They were very happy to find out that the water tower is going right next door. Their site plan was approved in 2007. They are moving forward with construction, even if they are downsizing the building a bit. The Selectmen need to find out whether this has gone through the Lakeville Development Corporation (LDC). The company is hoping to start construction in March or April 2010. Selectman Yeatts said that William Garvey, President of LDC, was away when she met with them. Ms. Garbitt will forward this information to the LDC to ask if this was a LDC property.

Chairman Maksy stated that he wanted to talk about the comment he made about the Water Commissioners at the recent Town Meeting. Selectman Yeatts stated that she has been working on this project for many years. Before this is spun off to others who have not been involved in the process, it would be beneficial to make sure it is set up properly. The election for the Water Commissioners would not be until the following April if it does go to Town Meeting. Chairman Maksy suggested that the Board at least start looking at procedures on the set up of a Water Board. Minor discussion took place on the topic. The water tower should be completed in December of 2010, weather permitting. The work should start in February depending on the weather.

Selectman Evirs noted that in this month's Beacon there was an article about how the Towns of Norton and Holbrook are entertaining offers from a company from Scituate to put solar panels on the closed landfills. They will make money by leasing the land and will sell the electricity back to the grid. Their landfills have been capped. Chairman Maksy stated that he read in a letter from the Governor that Towns can sell the additional electricity back at a retail rate. Lakeville should find out about that. Lakeville's landfill is a capped landfill and so we could easily have solar panels installed and it will not damage the land. Ms. Garbitt stated that she and Robert Iafates, Building Commissioner, are attending a meeting on the Green Communities Act.

They will look into the possibility of applying for grants to purchase solar panels to use at the landfill.

Selectman Evirs then distributed his letter of resignation from the Board of Selectmen, which he read into the record. His resignation will be effective April 5, 2010.

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

VOTED: To accept the letter of resignation, effective April 5, 2010, from Selectman Evirs.
Unanimous in favor.

Other Items

1. Notice from Carole Copeland Thomas regarding Unity Rally-December 10, 2009
2. Memo to Superintendent of School regarding Free Cash & Stabilization Fund Balance for FY10; Excess & Deficiency Guidelines
3. Letter from Plymouth County Advisory Board regarding Plymouth County Sheriff Retirees
Selectman Yeatts stated that she attended the Plymouth County Advisory Board meeting. She told the members that she did not like what was taking place regarding the Plymouth County Sheriff Retirees. She distributed a letter from the outcome of that meeting. The amount that Lakeville will be responsible for is \$84,000.
4. Council on Sustainability meeting – December 10, 2009
5. Regional Economic Strategy Committee meeting notice – December 8, 2009
Ms. Garbitt stated that Chairman Maksy is the Designee for the Regional Economic Strategy Committee and their meetings take place at 3:00 or 4:00 PM. Chairman Maksy suggested asking if anyone from the LDC would be interested in being appointed as the Town's representative.
6. JTPG meeting notice – December 9, 2009
7. MassWildlife News
8. Notice of Non-compliance from DEP regarding the Church of the Nazarene
9. Notice from the State Purchasing Agent regarding the Estimated Rate of Inflation for FY11
10. Notices received from Verizon regarding rate changes for FiOS TV
11. Invitation from SRPEDD for Roland Hebert's Retirement Party on Friday, January 8, 2010

Adjournment

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

VOTED: To adjourn the meeting at 9:50 PM.
Unanimous in favor.