

**SELECTMEN'S MEETING**  
**Monday, December 21, 2009**

On December 21, 2009, 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 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 Cemetery Commission regarding monument fees**

*Kenneth Upham and Richard Demoranville of the Cemetery Commission were present.* Mr. Upham told the Board that the Cemetery Commission instituted new fees on July 30, 2008 that had never been charged before. Mr. Demoranville handed out the current fee schedule. Mr. Upham said there had been no provisions for fees for monuments or for foundations for monuments. These things are typically handled by a private monument company at a cost of \$100 per square foot. Mr. Upham said the Cemetery Commission would like to have their grave diggers do the work and that would help bring revenue into the Town. The hole has to be 2 ½ feet deep and reinforced. Instead of \$100 per square foot, the proposed cost would be \$92 per square foot. For a 3' monument, the hole will cost \$276 instead of \$300 and the Town would get \$100 and the grave digger \$176. On a 2' monument, which is very rare, it would break down as \$109 for the grave digger and \$75 for the Town. The 1' hole, which is a foot stone or a cremation stone, the grave digger will receive \$67 and \$25 will go to the Town. The Cemetery Commission does not yet have a location for cremations. Mr. Upham said that there will be no charge for veterans' stones, as long as they are provided by the Federal Government. All veterans are authorized a stone, either a horizontal or a marble one.

Mr. Upham said the reason for this change is that the Town has had monuments put on the wrong grave or they fall over. This will be a standard for the work and hopefully a guarantee for the Town that the work will be done correctly. It will also bring in revenue for the Town. Selectman Yeatts asked what SAT meant. Mr. Upham responded that stands for Saturday. The grave diggers work Monday through Friday. Also, there is always a representative from the Cemetery Commission that attends every funeral that takes place in Town. Ms. Garbitt stated that the Town will have to advertise the new rates. Mr. Upham asked for the new rates to be placed on the Cemetery Commission's webpage.

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

VOTED: To amend the Lakeville Cemetery Commission Fee Schedule, effective December 21, 2009, by adding a new fee for monument foundations of \$92 per square foot. Veteran markers provided by the Federal Government will be placed free of charge.  
Unanimous in favor.

### **7:45 PM Meet with Anna Nalevanko to finalize Strategies for the CDBG Grant and prioritize Social Service Activities**

*Anna Nalevanko is present for the discussion.* Ms. Garbitt told the Board that she has been working with Ms. Nalevanko on the Community Development Block Grant (CDBG), but she needs the Board of Selectmen to finalize the Town's strategies and prioritize the social services. Ms. Nalevanko said that this document is something that hopefully can be used from year to year. They are looking for projects that are part of the Town's overall plan. These would be your priority projects in general with no ranking. We have received input from public meetings and sent out letters to the social service agencies to let them know about this. Youth services seem to be more of a concern in Middleborough than Lakeville. We need to pick one priority that is of the same concern to both towns.

Selectman Yeatts said Lakeville really does not have anything for teenagers. Cecelia MacWilliams had taken the lead on this before with dances that were held at the Ted Williams Camp. The kids did show up, so it was something that they liked. Ms. Nalevanko said you have to have data to back up your priorities. The YMCA in Middleborough has the capacity to oversee activities for youths, so they can help with an interest to both communities. She said that she will need to come back to the Board in January with a list of the final activities for the Board's approval. Selectman Evirs said financial literacy would be good since that includes a large area. Ms. Garbitt said the number one (1) and two (2) priorities were elder services (including transportation) and food services. Ms. Nalevanko said you can have more than five (5) items on the list, but the agencies will be getting just your top five (5). Further discussion occurred regarding transportation for senior citizens.

Ms. Garbitt said that mortgage foreclosure prevention counseling and a food pantry are priorities. Ms. Nalevanko provided Ms. Garbitt with information about a church food pantry that serves both Lakeville and Middleborough. Ms. Garbitt said she will have this information placed on the Town's website. Ms. Nalevanko said Lakeville's list should incorporate the social services projects that are a priority project for the Town. She said once Lakeville has its priority list prepared, the grant could be reapplied for again in two (2) years, simply by revising the priority list.

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

VOTED: To approve the finalized strategies for the Community Development Block Grant and the list that the Selectmen have prioritized for the social services activities.  
Unanimous in favor.

Ms. Nalevanko said there will be upcoming meetings in Lakeville and Middleborough. Based on a windshield survey that was done in Clark Shores, she felt that would be an ideal area for the Housing Rehab projects. There will be a public meeting January 7, 2010 in Lakeville and January 9, 2010 in Middleborough, which is specifically designed for the Clark Shores Community. Housing rehabilitation projects are limited to targeted areas, but the social services are throughout the community.

### **Discuss Selectmen's Priority List for 2010**

*Christopher Peck, Superintendent of Streets, was present for the discussion.* Ms. Garbitt said that she and Chairman Maksy have worked together on the Selectmen's Priority List. Chairman Maksy said the Board may want to add more or change the priorities. Selectman Yeatts stated that the Water Overlay District needs Town approval. Is it for protection of or just an overlay for where the public water goes? Ms. Garbitt responded that it is to update the bylaw that is presently in place. Selectman Yeatts stated that she thinks the code reform will make Zones A, B and C different. Ms. Garbitt stated that she thinks it has something to do with looking at the by-law and perhaps amending it. Selectman Yeatts stated that they are working on the rules to go along with the Water Overlay District. Right now there are no rules attached to it. Chairman Maksy asked if there are protection zones around the Town Office Building well and the Ted Williams Camp well. Ms. Garbitt stated that there is 100 foot zone around the Town Office Building well. Selectman Yeatts suggested that this item be moved to high priority. The Board decided to change the item to the Water Master Plan/Water Overlay District as the new title.

Selectman Evirs mentioned that the Board needs to look at the Fire Department Union contract which expires on June 30, 2010. The money issues with the School Department that were postponed until after the first of the year need to be looked at. He also wanted to consider the solar panels on the landfill. Selectman Yeatts said a high priority should be to get the districts that the Town has zoned Business moving forward. She suggested having SRPEDD work on the demographics for Route 105 so the Town can go out and try to get businesses for that area. That should be a priority for the Town. Ms. Garbitt stated that she can add that on the list for SRPEDD to work on. Chairman Maksy suggested moving the Neighborhood Business District to medium priority and the Business District demographic study to high priority. Selectman Yeatts stated that she has given up on underground electricity for Betty's Neck. However, electricity to the Peach Barn should be a high priority. She has a volunteer who will coordinate having electricity installed. Maybe the Town can ask Middleborough Gas & Electric to help the Town with this since the electricity would now be above ground.

Mr. Peck stated that the roof supports are in rough shape at the salt shed. He will get some prices for repair of the shed for the Capital Planning Committee. There is not enough storage space for sand and salt. However, the Highway Barn is a more pressing situation since the equipment is stored there. The salt is stored on pavement right now and it is prevented from leaching into the ground. Ms. Garbitt stated that the Park Department wants to talk to the Board about the Ted Williams Commissary since the roof is leaking and they may have to close up the building. This could be a problem since the elections are held there. The Senior Center could be a precinct and so could the Library, but the Town would have to start splitting up the precincts and purchase more equipment. Mr. Peck stated that the Board also needs to look at replacing the voting booths themselves since they are pretty worn out.

### **Review and vote to sign Intermunicipal Water Agreement with the City of Taunton**

Selectman Yeatts stated that the Intermunicipal Water Agreement is finally ready to be signed.

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

VOTED: To sign the Intermunicipal Water Agreement with the City of Taunton.  
Unanimous in favor.

### **Review Weather and Emergency Notification Policy and Procedures**

Selectman Yeatts stated that she had a question about the last sentence: “Unless the municipal building is closed by the Chair of the Board of Selectmen, employees who do not report to work at all may receive compensation if they choose to use personal or vacation time.” Selectman Evirs clarified this for Selectman Yeatts. Discussion occurred regarding how the decision to close the building would be made. Chairman Maksy stated that he would prefer if Mr. Peck was contacted for his recommendation. Ms. Garbitt stated that she usually finds out if there is no school, then contacts Mr. Peck and the Police Chief.

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

VOTED: To approve the Weather and Emergency Notification Policy and Procedures as amended.  
Unanimous in favor.

### **Review and vote to sign State Election Warrant – January 19, 2010**

Selectman Yeatts read the State Election Warrant into the record.

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

VOTED: To sign the State Election Warrant for January 19, 2010 as read into the record by Selectman Yeatts.  
Unanimous in favor.

### **Review memo to be sent to Homeowners’ Associations regarding sanding of private roads**

Ms. Garbitt stated that the sanding of private roads has become a budget issue. Mr. Peck stated that he only had two (2) calls from the last storm requesting sanding. Right now he does not sand any private roads unless directed to by the Fire Chief or Police Chief. Selectman Evirs stated that the Board also voted to charge the Associations if the Highway Department does the sanding. Mr. Peck stated that the Highway Department has sanded the entrance road for Clark Shores where the kids get on the bus and the hill at Clark Shores. Chairman Maksy asked how he would figure out the charge. Mr. Peck stated that he used the tonnage price for the sand and the salt that the Town pays. The Highway Department currently charges the Region \$30 per ton and they pick it up. Selectman Yeatts stated that previously the Board had said that the Town could charge the Associations. Selectman Evirs asked that last year’s memo to the Associations be included in the new memo that would be going out. Ms. Craig stated that she did not think

the original memo ever went out. Ms. Garbitt stated that what held up the memo last year was finding who to send the memo to since not all private roads have a Homeowners Association. Chairman Maksy suggested holding off sending the new memo until the Board sees the original memo.

#### **Review Assignment of Lease – Cell Tower property – Fern Avenue**

Ms. Garbitt stated that SBA Towers is acquiring all the sites that Bay Communications are leasing, including the Town's cell tower site off of Fern Avenue. The Board needs to sign the letter that agrees to the consent and it is limited to the ground lease as shown in Exhibit A. The Selectmen are approving #6. The Board discussed the fee for Town Counsel's review.

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

VOTED: To sign the Assignment of Lease with the understanding that this consent is limited to the assignment of the Ground Lease as provided in Exhibit "A" and is based upon SBA accepting all obligations thereunder, and will be effective only if the transaction closes. Also, SBA Towers will reimburse the Town for any fees for Town Counsel's review of the document.  
Unanimous in favor.

#### **Review and vote to sign easement for Stephen and Kathleen Couet – 229 Main Street**

Chairman Maksy stated that this is the easement for the private well that is two (2) feet onto the Town's layout. Ms. Garbitt said that if the Board of Health deems the Couets need a new well, or if they decide to connect to municipal water, they are to relocate the well onto their own property and abandon the old one.

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

VOTED: To sign the easement for Stephen and Kathleen Couet for 229 Main Street.  
Unanimous in favor.

#### **Revote Selectman Evirs' resignation**

Selectman Evirs told the Board that Town Counsel has told him that his resignation needed to be effective the day before the Annual Town Election so that the position can be placed on the Town Election ballot.

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

VOTED: To change the effective date of Charles Evirs resignation to April 4, 2010.  
Unanimous in favor.

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

VOTED: To place Selectman Evirs seat on the ballot for the remainder of his term, which is two (2) years.  
Unanimous in favor.

### **Review request from Twin Coach Estates regarding Emergency Water Hookup**

Ms. Garbitt told the Board that Twin Coach Estates is requesting to be able to hook into Taunton water. They were advised by Fred Parmenter, Certified Water Operator, that they needed to find another supply of water in case of an emergency. Mr. Parmenter told the owner that the Town could not allow additional tie-ins to the City of Taunton water, until the water storage tank was constructed. Selectman Yeatts stated that they have their own well. What if the Town allows them to hook up and the pressure is too much, what is the Town's liability? Selectman Evirs stated that the Town probably would not be able to use the park's infrastructure. They cannot take in a municipal water supply and divvy it up, like they do for cable and electricity. There is probably more to this than the Board is aware of. The Board should check to see if DEP is requiring this to be done. Selectman Yeatts added that it might affect their insurance rate going down if they have another source. Ms. Garbitt stated that they are a public water supply and would check with the Board of Health on this. Selectman Evirs suggested to also look at the Special Permit and see what conditions were put on it. If there is a modification to the Special Permit, that can only be done by the ZBA. Selectman Yeatts stated that the Board needs to find out who says they need to have an alternate water supply and to look at their Special Permit.

### **Review and vote to approve Class I and Class II Annual License renewals**

Chairman Maksy said the Board needed to vote on the annual renewal of the Class I and Class II Licenses.

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

VOTED: To approve the renewal of the following Class II Licenses, with an expiration date of January 1, 2011: Majestic Auto Wholesale Inc; United Automotive Services; Lakeville Auto Sales; Sha-Nic Auto-Body; Chris Altieri, d/b/a C&E Enterprises; Leonardo Solana, d/ba Solana Auto Sales; Andrews Family Automotive, and Linda Bury, d/b/a Elite Auto Sales.  
Unanimous in favor.

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

VOTED: To approve the renewal of the following Class I Licenses with expiration dates of January 1, 2011: Rousseau's Rentals, Inc and Crossroads Great Outdoors.  
Unanimous in favor.

### **Review and vote to approve Annual Miscellaneous License Renewals**

Chairman Maksy said the Board needed to vote on the annual renewal of Miscellaneous Licenses.

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

VOTED: To approve the renewal of the following Livery Licenses with expiration dates of December 31, 2010: Moonlighting Limousine and JP's Limousine Service.  
Unanimous in favor.

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

VOTED: To approve the renewal of the following Dancing on Weekdays Licenses with an expiration date of December 31, 2010: Camp Joe Hooker, Inc.; Reservoir Heights, Inc., d/b/a Lakeville Country Club; Le Baron Hills Country Club; Orchid of Hawaii; and Lakeville Fraternal Order of Eagles.  
Unanimous in favor.

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

VOTED: To approve the renewal of the following Coin Operated Amusement Licenses with an expiration date of December 31, 2010: Camp Joe Hooker, Inc. and Lakeville Fraternal Order of Eagles, Inc.  
Unanimous in favor.

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

VOTED: To approve the renewal of the following Public Entertainment on Sundays licenses with an expiration date of December 31, 2010: Camp Joe Hooker, Inc., Reservoir Heights, Inc., d/b/a Lakeville Country Club; Le Baron Hills Country Club; Orchid of Hawaii and Lakeville Fraternal Order of Eagles.  
Unanimous in favor.

### **Review and vote to approve Annual Liquor License Renewals**

Chairman Maksy said the Board needed to vote on the annual Liquor License renewals.

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

VOTED: To approve the renewal of the following Package Store Wine & Malt Licenses with the same hours of operation, having an expiration date of December 31, 2010: Paul F. Grasso, d/b/a Tutto Italiano and Gulf Resources, Inc.  
Unanimous in favor.

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

VOTED: To approve the renewal of the following Package Store All Alcohol Licenses with the same hours of operation, having an expiration date of December 31, 2010: Savas Liquors, Inc.; BBP, Inc., d/b/a Muckey's Liquors; Tamarack Wine & Spirits, Inc. and Joseph R. Starr, d/b/a Starr's Country Market. Unanimous in favor.

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

VOTED: To approve the renewal of the Club All Alcohol License for the Lakeville Fraternal Order of Eagles, Aerie #3994, Inc. with the same hours of operation, having an expiration date of December 31, 2010. Unanimous in favor.

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

VOTED: To approve the renewal of the following Restaurant Common Victuallers All Alcohol Licenses with the same hours of operation, having an expiration date of December 31, 2010: A Frame LLC, d/b/a A Frame Bar & Grill; 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 d/b/a LeBaron Hills Country Club; and The Back Nine Club, Inc. Unanimous in favor.

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

VOTED: To approve the renewal of the General On Premise Wine & Malt License for Lakeville Virtual Entertainment Group, Inc., with the same hours of operation and having an expiration date of December 31, 2010. Unanimous in favor.

### **Review letter from the Mass State Lottery Commission**

Chairman Maksy said the Board had received a letter from the Mass State Lottery Commission notifying the Town that Gulf Resources, Inc., d/b/a Joe's Gas, has applied for a license to offer Keno to Go. If the Board has any objections, we would need to send a letter.

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

VOTED: That there is no objection regarding Gulf Resources, Inc., d/b/a Joe's Gas application to offer Keno To Go. Unanimous in favor.



**Review and vote to approve Selectmen's Meeting Minutes: July 8, 2009, July 20, 2009, August 10, 2009 and September 28, 2009**

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

VOTED: To approve the Selectmen's Meeting Minutes of July 8, 2009; July 20, 2009; August 10, 2009 and September 28, 2009 as presented.  
Unanimous in favor.

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

Ms. Garbitt asked if the Board wanted to discuss health insurance for part time elected officials prior to the next election. Selectman Yeatts asked that this be run by Town Counsel first. Selectman Evirs stated that he will not be present at the January 11<sup>th</sup> meeting. This issue will be placed on an upcoming agenda.

Chairman Maksy mentioned the article in the Gazette about Samantha DeCosta, the resident who had called 911 and had to wait a long time for an officer. Ms. Garbitt stated that she had spoken to Ms. DeCosta. Ms. DeCosta met with the Police Chief. Chief Sorel said he will listen to the recordings with the dispatcher and ask why mutual aid was not requested from another Town. Ms. DeCosta said that she was not aware of the budget cuts. She will now become more aware because until it happens to you, you do not realize what is happening. Ms. Garbitt said an officer did drive through the neighborhood, but Ms. DeCosta did not know that. Selectman Evirs stated that he did not know if other Towns could help out since most of them are in the same position as Lakeville. Chairman Maksy suggested that maybe Lakeville has to find out if other Towns are not going to be available. Ms. Garbitt stated that mutual aid has backed Lakeville up a few times since the layoffs, but if there is something happening in their own Town, they have to respond to that first.

**Other Items**

1. Letter from Board of Health regarding noise complaint – Morse Sand & Gravel  
Selectman Yeatts asked if the Board has had any communication with DEP to see if they will follow up or does Lakeville need to send a letter to DEP to give them a little push. The Board of Health performed the test and it is over the allowed noise level. The assessment was done on the 15<sup>th</sup> of October. Ms. Garbitt stated that Paul McGillis called her to find out what the results of the Board of Health investigation were. Chairman Maksy stated that the Board should ask the Board of Health for an update. He requested that this matter be put back on the agenda for January 25<sup>th</sup> to see if DEP has responded. If a response from DEP comes in sooner, Ms. Garbitt will put it on for the agenda for the January 11<sup>th</sup> meeting.
2. Letter from Department of Energy Resources regarding new coordinator for Southeast Massachusetts
3. Memo from Town Counsel regarding Time Limits for Wireless Siting Decisions
4. Notice of Regional Selectmen's Meeting – January 14, 2009
5. CDM Publication – Our Environment

6. Department of Revenue Bulletin – FY10 Tax Bill Options  
Ms. Garbitt stated that the legislation was signed by the Governor. We are working with the Department of Revenue and are very hopeful that the bills will go out by the 31<sup>st</sup>. If not, Lakeville will need the 30 day extension.
7. Letter from GeoInsight regarding ADESA/Impact
8. Notice from MEMA regarding Roof Collapse & Storm Drain Warning Information
9. Notice from Verizon regarding New FiOS TV Plans
10. Letter from Bay State Gas regarding their Partners in Energy Program
11. Fall Report from Mass DEP Drinking Water Program
12. Thank you notes for Christmas Baskets from Town employees  
Selectman Evirs stated that the Town Office employees put a lot of work into the baskets. The employees donated the food items and put the baskets together. They were distributed to Lakeville senior citizens who are in need.
13. MMA Registration for 2010 Annual Trade Show in Boston  
Ms. Garbitt asked if anyone was interested in attending the Annual Trade Show. Selectman Yeatts stated that she was a little disappointed in the workshops last year, but did enjoy it the year before. She said that she would like to attend the Trade Show this year.

At 9:34 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss Imminent Litigation.  
Polled vote of Selectman Yeatts, – aye, Selectman Evirs – aye and Selectman Maksy – aye.