

SELECTMEN'S MEETING MINUTES

Monday, January 11, 2010

On January 11, 2010, 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 7:03 PM. Selectmen present were: Selectman Maksy and Selectman Yeatts. Selectman Evirs was absent. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Meet with Historical Commission

Chairman Maksy stated that the Historical Commission asked to be rescheduled to the January 25, 2010 Selectmen's meeting.

7:30 PM Meet with Open Space Committee to discuss draft of updated Open Space Plan

Linda Grubb and Martha Schroeder of the Open Space Committee were present for the discussion. Ms. Grubb told the Board that the draft of the Open Space Plan has been placed on the Town's website. The Open Space Committee is looking for input from the public. The Committee is asking residents and Town officials to read the plan on line due to the expense of producing hard copies. Copies on CD will also be available at the Library for viewing. Ms. Grubb noted that some of the charts and figures have not been incorporated into the plan yet. She showed the Board a matrix of the open space presently in Town. This is not just Town owned land, but any open space in the Town. All current Conservation Restrictions are on the plan. She did note that the Open Space Committee had questions about whether to consider the Town owned Howland Road property as open space. Selectman Yeatts said the Town owned Howland Road property has 636 acres. The Town rezoned this 636 acres and 600 acres of privately owned land from Residential to Industrial to protect it from development. Ms. Grubb said a plan indicated there would be hiking trails. Selectman Yeatts said the Selectmen decided there would not be hiking trails. Ms. Garbitt noted at the time we purchased the land, we were working with the State on a Green Belt, and the State was going to pay the Town for placing a Conservation Restriction on it. Ms. Grubb said the idea of the Green Belt still exists and is part of the planning on this Open Space Plan.

Ms. Grubb said the Committee is also looking for photographs for the plan. People can submit photographs with the photographer's name and where it was taken. Chairman Maksy asked about having a contest at the Arts Festival. Ms. Grubb said the plan should be finished by then. People can send their comments to the Open Space Plan, care of the Town Office or email their comments to the Open Space Committee. Ms. Grubb suggested that the plan be updated when the next census figures come out. This is the time for the Town to express their opinions, concerns, and desires. Selectman Yeatts suggested that the picture of Betty's Neck would be a great picture for the cover. Ms. Grubb stated that Mike Schroeder has prepared a memo to go out to Boards and Commissions requesting their input. They have asked about previous goals and if it is still a consideration of theirs. The committee would like to have comments in by the end of the month. Ms. Grubb stated that the Committee is not required to have a public hearing,

but could when the plan is wrapped up. Ms. Grubb thanked Ms. Craig for all her help and also the Assessors' Office for their help in gathering the necessary information needed for the plan.

Chairman Maksy stated that he would like to make sure that the Open Space Committee is made aware of any Green Community activities that may come along. Ms. Garbitt stated that Don Foster has talked about getting people interested in serving on the Green Community Committee.

8:00 PM Meet with Anna Nalevanko regarding the Community Development Block Grant

Anna Nalevanko was present for the discussion. Ms. Nalavenko stated that attendance at the meetings has increased as a result of the press exposure. She said that Daniel Murray, Town Counsel for Middleborough, has already reviewed the grant and now the Board of Selectmen needs to look at it. There will be planning documents that are part of the grant, but this is just the general agreement. Ms. Garbitt said she has to have an inter-municipal agreement for this between the two (2) Towns. However, the Board can agree to sign the grant based on Lakeville's Town Counsel reviewing it.

Ms. Garbitt asked if the Towns will split the cost of the audit. Ms. Nalevanko responded that the cost of the audit would come out of the grant. Ms. Garbitt asked about #8, forgiveness of loans due to hardship. Would Middleborough be the one forgiving the loans since they are the lead Town? Ms. Nalevanko responded that the Town of Middleborough will respond to this. A line can be put in so that Lakeville can have input. Middleborough will monitor the loans. Selectman Yeatts said the Board does not have to approve this tonight since Ms. Nalevanko will be on the agenda for January 25, 2010. Ms. Nalevanko can make the changes discussed so we have them for the 25th. Discussion occurred regarding the environmental check off list and who should be the Environmental Certifying Officer for the grant. Ms. Nalevanko said each applicant that is interested would have to go through the environmental review process.

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

VOTED: That Robert Iafrate, currently holding the position as Building Commissioner, will be the 2010 Environmental Certifying Officer for the Community Development Fund I for the Middleborough/Lakeville Regional Housing Rehabilitation Assistance program in the Lakeville Clark Shores Target Area and for other grants through DHCD for the Community Development Block Grants.
Unanimous in favor.

Ms. Nalevanko stated that emergency housing, a food pantry and senior transportation are the top three (3) social service considerations. The Towns will have to identify the agency that they will go with if awarded the grant and that shows readiness. There were two (2) proposals that came in. Ms. Nalevanko said this is the first time she has gone after a social services aspect for a CDBG. Ms. Garbitt mentioned the South Shore Community Action Council, which is contracting with Farmers Healthy Harvest. It has grown over the past few years and has drawn a lot of attention.

Ms. Nalevanko stated that she held a Housing Rehab workshop this past Saturday at the library and mailings were helpful in reaching out to people. There were four (4) parties interested in housing rehab. There is also interest on the workshop that is coming up this weekend from Clark Shores. It will be Saturday, January 16th at the Lakeville Public Library. The Towns are working with about \$750,000 and can ask for up to \$1 million between the two (2) communities.

Discuss establishing an Elected Board of Water Commissioners

Selectman Yeatts stated that Town Counsel has been consulted about an elected Board of Water Commissioners, but not an appointed one, so that still needs to be done. Joe Beneski suggested seeing how many people are interested in serving on this Board. Perhaps they could be brought on board now while the water improvements are being built, which would be beneficial later. Selectman Yeatts stated that Bill Elliot has said that he is interested in being on the Board. Chairman Maksy suggested a committee that would be established by the Town Moderator. Then at some point, it would become an elected position. It was agreed to discuss this further when Selectman Evirs is present.

Vote to award contracts for the Water Storage Tank, Booster Pump Station and Water Mains

Selectman Yeatts said that the Board needed to award the contracts for the Water Storage Tank, Booster Pump Station and extension of the Water Main.

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

VOTED: To award and sign Contract 1 for the Booster Pump Station and Water Main to Celco Construction Corporation as the lowest responsible and eligible bidder in the total amount of \$1,719,068.11.
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 award and sign Contract 2 for the Water Storage Tank to R. P. Iannuciallo & Sons, Inc. as the lowest responsible and eligible bidder in the total amount of \$2,094,878.00.
Unanimous in favor.

Review Snow and Ice Budget Appropriation

Ms. Garbitt stated that she did not have the deficit number yet for FY09. For FY10, as of today, the Town has spent approximately \$40,000 for Snow and Ice Removal. She told the

Board that over the past few years, they have voted to deficit spend for Snow and Ice Removal about this time of the year.

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

VOTED: To authorize deficit spending for Snow and Ice under Chapter 44, Section 31 for FY10.
Unanimous in favor.

Review and Vote on the Memorandum of Understanding with the Lakeville School Committee for the new Special Education Program

Selectman Yeatts gave a brief explanation regarding the Memorandum of Understanding with the Lakeville School Committee for the new Special Education Program at Assawompset School.

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

VOTED: To sign the Memorandum of Understanding with the Lakeville School Committee for the new Special Education Program at Assawompset School. This is for the substantially separate Special Education program that began January 4, 2010.
Unanimous in favor.

Request for Reappointment as Constable – Kenneth Upham, Sr.

Chairman Maksy read the request from Kenneth Upham, Sr. asking to be reappointed as a Constable for the Town of Lakeville.

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

VOTED: To reappoint Kenneth W. Upham Sr. as a Constable for the Town of Lakeville with an expiration date of January 9, 2011.
Unanimous in favor.

Review and vote to approve Selectmen's Meeting Minutes: August 31, 2009, September 14, 2009, and October 19, 2009

It was decided to table the minutes until the next meeting when Selectman Evirs would be present.

Other Items

1. Letter to DEP from Board of Health regarding noise complaint – Morse Sand & Gravel

Ms. Garbitt stated that the Board of Health requested a response from DEP by January 25th. Chairman Maksy read the letter into the record. He said that the Town is still waiting for a response from DEP. Paul McGillis, resident of Daniel Road, stated that he has contacted Representative Quinn and Representative Canessa regarding this. He showed the Board pictures of what Morse is using the storage container for. Chairman Maksy asked to keep the pictures to show to the Fire Chief. Selectman Yeatts stated that the trailer is supposed to be strictly for storage. Ms. Garbitt stated that she will have the Building Commissioner and the Fire Chief look into this. Mr. McGillis stated that the Frates property, which the judge ordered them not to use, has pre-cast concrete blocks and also trucks on it. They have been contacted by the Building Commissioner and have been told not to use that piece of land, and they continue to use it. Mr. McGillis stated that if a letter is written to Morse on these issues, he would like copies. Selectman Yeatts stated that the cement has built up again. Mr. McGillis stated that they are dumping any concrete blocks that do not come out right onto Frank Will's property. They are not supposed to use anyone else's property. Chairman Maksy asked Ms. Garbitt to speak with the Fire Chief and the Building Commissioner and get back to Mr. McGillis. Mr. McGillis stated that this is an expansion of a nonconforming use if they are actually mixing chemicals in the trailer.

2. Letter from Executive Office for Administration and Finance regarding restoration of 9C cut to Regional School Transportation
3. Letter from Department of Veterans' Services regarding upcoming training
Ms. Garbitt explained that this is the training that Marilyn Mansfield, Council on Aging Director, attends every year.
4. Memo from Town Counsel regarding Amendments to HIPAA
5. Notice from FEMA regarding Floodplain Map Amendment
6. Meeting Notice – Regional Economic Strategy Committee – January 12, 2010
Ms. Garbitt stated that Chairman Maksy is the Board's designee, however, the meetings are all held during the day. It was suggested to ask Gary Mansfield to attend since he is on the LDC.
7. Letter from MEGA regarding market misrepresentations regarding MEGA
8. Safety Alert – Division of Occupational Safety – Aerial Lifts/Bucket Trucks
9. Plymouth County Cooperative Extension Calendar – January & February 2010
10. Letter from Comcast regarding price adjustments
Selectman Yeatts stated that Comcast is going down on their rates.
11. MassWildlife News newsletter
12. Grant Award Notice for the Fire Department to support Mass. Fire Services Staffing
Ms. Garbitt stated that the Fire Chief was able to add overtime and two (2) Call Firefighters and is still working on the other grant.

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

VOTED: To adjourn the Board of Selectmen meeting at 8:35 PM.
Unanimous in favor.