

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**January 23, 2012 - 7:00 PM**

On January 23, 2012, 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 Selectman Maksy at 7:00 PM. Selectmen present were: Selectman Maksy and Selectman Belliveau. Selectman Olivier entered at 7:09 PM. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary. Tracie Craig, Executive Assistant was absent. No one was recording the meeting this evening.

**7:00 PM Meet with Cable Advisory Committee regarding Renewal of Comcast License**  
**Discuss letters to Verizon and Comcast regarding connections to Town Buildings**

*Peter Epstein, Esquire, and Cable Committee Members David Curtis, Donald Foster and Robert Marshall were present for the discussion.* Mr. Curtis took the floor and stated that Comcast has signed the renewal license. It is not what was originally intended when the process began, but the license makes it feasible to operate a cable studio and be self-sufficient. Selectman Maksy asked if there was anything substantial that changed. Mr. Curtis responded that there was an increase in money to Lakeville, since Comcast will not be operating the studio. The Town can now set up an Access Corporation. Selectman Maksy asked if the studio will go into the Library. Mr. Curtis responded that it would. With respect to the equipment and the present studio, Lakeville and Middleborough have an agreement that each Town will go through the equipment. Lakeville will obtain a third of the equipment. Middleborough had a problem with their in-school equipment about a year or two ago, so they purchased new equipment. They may not want or need any of the equipment that is in the Comcast studio. Selectman Maksy noted that if any equipment goes to the schools, the Town may have to declare it surplus. Ms. Garbitt stated that the Selectmen will need to declare the equipment surplus and then gift it to the studio, since it has to be included on GASBE 34. Attorney Epstein explained that the Access Corporation would be accepting the equipment. It is not a municipality, it is a private entity. The Cable Committee negotiated that Comcast will continue to operate its Middleborough studio until September 23, 2012. Then either the Town or the Access Corporation would work with Comcast for determining what equipment it wants. There is no sense in taking equipment if it is not wanted, then the Town would be stuck with it. The Committee will have to be focused to get all this done by September of 2012.

Attorney Epstein noted that Exhibit 2 in the contract is Comcast's programming lineup. The Town cannot tell Comcast what to program. It is included for informational purposes. All the exhibits, with the exception of 2 and 5 which were distributed to the Selectmen, were in the draft contract. Attorney Epstein mentioned that there are six (6) side letters, which are fairly self-explanatory. They deal with issues that Comcast does not like to deal with in the license itself. The side letters were discussed. The Selectmen noted that they did not have the six (6) signed side letters. Attorney Epstein stated that five (5) of them are simply letters from Comcast to the Selectmen. The 6<sup>th</sup> side letter is the agreement regarding the cost to wire the Library, where the studio will be, and the cost to wire the Town Office Building. When the Selectmen's Meetings are broadcast in the future, they will go out live. Right now they are being taped. The Cable Committee agreed to pay some money towards the cost of the drops, so that it would not be

passed through to the subscribers. The High School is already connected. It will cost \$29,000 to connect the Library, High School and Town Office Building. The Town or the Access Corporation will pay \$21,840 of the \$29,000. Comcast pays the other 25%. This is the cost for Comcast to construct the two (2) new connections. Attorney Epstein noted that the broadcast will go to Verizon and Comcast subscribers. The drop to the Library will take place by August 15<sup>th</sup>, to the Town Office Building by September 15<sup>th</sup> and then the Access Corporation will take over on September 23, 2012. That letter should be signed by the Chairman of the Board, since it is a separate contract between the parties. The Board will have to vote since they are the issuing authority and authorize the Chairman to sign.

Mr. Marshall stated that the Committee was concerned that Comcast might not be able to make the connections. They had to agree that they will continue to run the existing studio until the connections are made and the transition takes place. Attorney Epstein explained that right now, the Town gets 1% of Gross Revenues from Comcast for their programming and the Town gets 4% from Verizon. They will owe the 1% through January 22, 2012. After that, it will be 4%. Comcast paid the 1% biannually; the 4% they will pay quarterly. Discussion occurred regarding the Access Corporation. Attorney Epstein noted that Comcast was asked for an advance of \$90,000, which would be repayable with no interest.

Chairman Olivier stated that he had received a call from Jane Lopes about the Rotary Club Annual Auction. She is requesting that Lakeville request that Comcast broadcast the auction to the Lakeville subscribers.

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

VOTED: To send a letter to Comcast to request that Comcast air the Rotary Club Annual Auction.  
Unanimous in favor.

Mr. Marshall stated that there are three (3) members on the Cable Advisory Committee that have expressed an interest of being on the Access Corporation. Also, a representative from the Library Trustees and from the Selectmen should be on the Access Corporation. That would help with communication. Attorney Epstein noted that Selectman Maksy should be in an ex-officio capacity. Mr. Marshall stated that the Access Corporation and Cable Committee will need to work hand in hand. Once the Access Corporation becomes viable, it cannot do anything until the money is transferred.

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

VOTED: To have Derek Maksy serve as the Selectmen's representative on the Access Corporation.  
Unanimous in favor.

Ms. Garbitt stated that she and the Town Accountant have a lot of questions and concerns regarding the Access Corporation. What happens to the funds that have already been

accumulated from Comcast and Verizon? What mechanism does the Town have to transfer the funds to the Access Corporation? In the agreement with the Access Corporation, will financial statements be produced? Attorney Epstein stated that most municipalities have a separate agreement between the Selectmen and the nonprofit organization that basically sets out the responsibilities on both sides. Middleborough has elected not to have a 501C3. They have a Town Department instead. That can be problematic regarding First Amendment issues. Chairman Olivier stated that he would like the Town Accountant to review these issues.

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

VOTED: To sign Section 6.6 (Access Corporation Studio Location) dated January 23, 2012.  
Unanimous in favor

Further discussion occurred regarding the renewal of the Comcast License.

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

VOTED: To accept the renewal of the Cable Television Renewal License dated January 23, 2012 as written between the Town of Lakeville, Massachusetts and Comcast of Massachusetts I, Inc.  
Unanimous in favor.

Discussion occurred regarding sending a letter to Verizon about the buildings that needed to have cable drops installed. There is a total of 19 public buildings (Town Office Building, Assessor's Office, Police Station, Fire Station, Highway Barn, Animal Shelter, Transfer Station, Town House Building, Historic Library, New Library, Council on Aging, Ted Williams Camp Commissary, Ted Williams Refreshment Stand, John Paun Field (stand), Clear Pond Park, Assawompset School, George R. Austin Intermediate School, Apponequet High School and Freetown-Lakeville Middle School) and allows for any other public buildings that may be newly built and designated in the future by the issuing authority. Ms. Garbitt explained that she met with Jill Reddish of Verizon, and they are willing to install the necessary drops. Attorney Epstein suggested to still send the letter to Verizon, even though Ms. Reddish visited. A similar letter will be needed to be sent to Comcast since there are still drops that they need to install. Mr. Marshall stated that it was his understanding that there is a drop to the Ted Williams' Commissary that needs to be installed by Verizon. Attorney Epstein stated that it is on Exhibit B. Chairman Olivier pointed out that it is not on this list. Attorney Epstein indicated that they need to then send a letter to Verizon that the drop had not been installed. Attorney Epstein suggested that the Selectmen send the Verizon letter first and then address the Comcast letter at a later date.

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

VOTED: To send a letter to Verizon regarding the drops that they are to install in Lakeville Public Buildings, (Exhibit B) letter dated January 11, 2012.  
Unanimous in favor.

### **Discuss formation of a Technology Advisory Committee**

Chairman Olivier explained that at the last meeting, discussion took place about participating in a grant for Mass GIS to map Lakeville. The firm of Coler & Colantonio, Inc. would work with the Town and document all the GIS information in Lakeville. The technology in Town needs to be upgraded and integrated so that it “speaks” to each other. It is time that the Selectmen begin to discuss the options to bring the Town’s technology into the 21<sup>st</sup> century. Ms. Garbitt stated that she attended a workshop about The Cloud. Small municipalities do not have the purchasing power to work in The Cloud like the larger cities can. This is still an option, but right now the Town is buying servers and all the other necessary hardware.

Chairman Olivier stated that he would like the integration of all the systems in the Town buildings. Mr. Foster suggested that the Board consult with neighboring towns to find out what the pitfalls and challenges may be. Ms. Garbitt will check with the MMA also. Chairman Olivier suggested that a figure be put in the Capital Plan for technology improvements. Selectman Maksy spoke about forming a committee to evaluate the Town’s technology needs. This committee would start off as an advisory committee, and then move into that of an implementation committee. Mr. Foster stated that it is good to plan for technology and infrastructure that may be coming down the road.

### **Review and discuss recommendation from Insurance Advisory Committee**

Chairman Olivier stated that the Insurance Advisory Committee (IAC) met to discuss health insurance for Town employees. Chairman Olivier read the letter received from Sean Joyce of the (IAC). The IAC met with Ed Byrnes of EBS Foran Insurance Group. Mr. Byrnes presented options under Health Care Plan Design to the Town’s current health insurance being offered through the Gateway Health Group. The presentation included valuing the total cost of the Town’s health insurance for all retirees and active employees in all plans offered through the Gateway Health Group. This value was approximately \$1,794,000. Mr. Joyce’s letter stated that if the IAC recommends moving towards an alternative plan design (Low Option Plan Design), a move to this plan design could save a total of 4.2% of the Annual Premium. The IAC’s letter spoke about savings that may be created with a new plan design, as created by BCBS and HPHC for Navigator Style plans under Section 21a of the new regulations. The savings created may be as high as 8.1%, but would have to be offset by a mitigation fund equal to 25% of the total annual savings, which may reduce the Town’s share of the savings to 5.5%. Savings from going with the GIC, based upon the municipal enrollment from the last open enrollment, produced less savings of 3.9%.

Mr. Joyce’s letter stated that if change is inevitable, and the Town is in need of creating savings in order to save jobs and provide adequate service levels to the community, the IAC would be in agreement of supporting a move to the Gateway Health Group’s Low Option plan, effective July 1, 2012. This would produce a savings to the Town and to the Employees of 4.2%. This spirit of cooperation is based upon maintaining collective bargaining rights, while trying to support the Town in these difficult financial times.

Chairman Olivier said the next step is to determine if the Board agrees with the IAC's recommendation, or if the Town should consider moving to the GIC. There is not necessarily a savings with the GIC, since there are 17 various plans. Costs could actually go higher if they go with a full PPO plan. Selectman Belliveau stated that he felt comfortable going with the 4.2% savings. Chairman Olivier stated that the Selectmen have to send a letter to the unions and see if they are in agreement with the change. They could come back with something different. If they go with the 4.2% and not request to get 25% of the savings, then they get a better plan.

Selectman Belliveau stated that this is outside of collective bargaining, so the unions cannot ask for 25% since it does not meet the standards. It is a do you accept or do you not accept situation. This will save the Town some money this year. If enrollment can take place by April 1, 2012, it will save the Town approximately \$12,000. If enrollment takes place by May 1, 2012, then the savings will be \$8,000. Ms. Garbitt stated that the IAC members need to get some input and feedback from their groups. A letter can be sent that to the IAC that the Selectmen are in agreement and want to move forward. Selectman Belliveau noted that replies are needed by February 1, 2012. Then the change can be implemented by April 1<sup>st</sup>.

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

VOTED: To send a letter to the IAC members requesting that they notify their constituents about the position of the Board of Selectmen.  
Unanimous in favor.

#### **Revisit order for dog hearing – Jyl Richards – 107 Crooked Lane**

*David Frates, Animal Control Officer and Jennifer Nash, Assistant Animal Control Officer were present for the discussion.* Mr. Frates told the Selectmen that he has spoken to Ms. Richards about installing the underground fence. She said that she would comply, however, if she put the fence in, she would be placing the dog in her front yard. Mr. Frates spoke to Ms. Willis, the neighbor, who does not want the dog in the front yard. She is afraid that there could be a loss of electricity, and the dog would leave the property. Ms. Willis said she would prefer that the dog stay in the back yard, where it cannot see people. Selectman Maksy stated that the Selectmen could rescind the order and make them install a hard fence out front. If the dog is out front and there is no electricity, then there will be another incident, and we will be back for another hearing. At this time, they have not done what the Board ordered them to do. The intent of the order was to have the dog in the back yard, and have the invisible fence in the front just in case the dog got out front. If they are going to put the dog out front, then we have to have Ms. Richards back in. Mr. Frates stated that he will meet with Ms. Richards tomorrow and notify the Board of her response.

#### **Revisit conditions from dog hearing for Nelson dog – 20 Montgomery Street**

*David Frates, Animal Control Officer and Jennifer Nash, Assistant Animal Control Officer were present for the discussion. Also present was Jacqueline Galipeau, Dog Trainer.* Ms. Garbitt distributed the letter that was received from Ms. Galipeau regarding the Nelson dog, Keeza. Chairman Olivier read the letter from Mr. Frates regarding his inspection of the Nelson

property. Mr. Frates reported that the Nelson property has a 6' high chain link and wooden fence in good condition. There was one spot that had been dug under. The Nelsons will fill it in. Mr. Frates letter reported that once the dug-out area is filled in and a self-latching, childproof latch placed on the gate, it was his opinion that the fence is more than adequate for their dog, Keeza, to be let out into.

Ms. Nash said that she did not feel that Keeza was a danger. Ms. Galipeau evaluated Keeza and did not believe she was a threat to the neighborhood. Keeza did not show any signs of being anything, but friendly and stable. Any dog that was not socialized from birth with a rooster would see them as prey. Mr. Frates said that the kitchen door was not working properly, and the storm door did not even have a latch on it. The dog was able to push her way out. The Nelsons have purchased a door and will have it installed. Mr. Frates will return to make sure that the fence has been fixed. He will give them until Friday to complete the repairs. If everything is not fixed, then he will seize the dog.

**Review and vote on new Mutual Co-operative Agreement with the Greater Attleboro/Taunton HOME Consortium**

Ms. Garbitt stated that the Town became a member of the Greater Attleboro/Taunton HOME Consortium in 2003, and receives grants through DHCD and HUD. It provides housing assistance for people who would like to reside in Lakeville.

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

VOTED: That the Town of Lakeville renew their Mutual Cooperation Agreement with the Greater Attleboro/Taunton Home Consortium under the Cranston-Gonzalez National Affordable Housing Act in accordance with the provisions of M.G.L. Chapter 121B, and to further authorize the Board of Selectmen Chairman to sign the Agreement on behalf of the Town of Lakeville.  
Unanimous in favor.

**Vote to approve Annual Town Election Warrant – April 2, 2012**

Chairman Olivier read the warrant into the record. Selectman Maksy asked if candidates for the Regional District School Committee are supposed to pull nomination papers in both Towns. Selectman Belliveau stated that they will be on both Towns' ballots, but they pull papers in their own Town and get signatures from their own voters. Each Town Clerk will certify the signatures for the people to be on both ballots.

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

VOTED: To approve the Annual Town Election Warrant for April 2, 2012.  
Unanimous in favor.

### **Request for five day extension of Trailer Permit-Jeffrey Churchill - 7 Leonard Street**

Chairman Olivier read the request for a five (5) day extension of a Trailer Termit for the property located at 7 Leonard Street. Ms. Craig explained that Mr. Churchill would be having the trailer removed as of January 30, 2012.

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

VOTED: To approve the extension for five (5) days of a Trailer Permit to Jeffrey Churchill of 7 Leonard Street from January 24, 2012 until January 30, 2012.  
Unanimous in favor.

### **Request from Herve Vandal for reappointment as Constable**

Chairman Olivier read the request for reappointment as Constable from Herve Vandal, Jr.

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

VOTED: To approve the reappointment of Herve Vandal, Jr. as Constable, expiring January 28, 2013, subject to his bond being current.  
Unanimous in favor.

### **Request for car wash fundraiser – Troop 26 Boy Scouts – May 12, 2012**

Chairman Olivier read the request to use the Town Office Building on May 12, 2012 for a car wash fundraiser/flower sale for Troop 26 Boy Scouts. He asked to make sure that Ms. Craig gets the new insurance certificate prior to the event.

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

VOTED: To approve the request from Boy Scout Troop 26 to use the Town Office Building on May 12, 2012 to hold a fundraiser car wash and sell Mother's Day flowers from 8:00 AM to 4:00 PM.  
Unanimous in favor.

### **Review and vote to approve Selectmen Meeting Minutes: August 1, 2011, August 8, 2011 and August 22, 2011**

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

VOTED: To approve the Selectmen's Meeting Minutes of August 1, 2011 and August 8, 2011 as presented.  
Unanimous in favor.

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 Selectmen's Meeting Minutes of August 22, 2011 as presented.  
Two (2) in favor, one (1) abstention (Selectman Maksy was not in attendance at the meeting).

### **New Business**

Ms. Garbitt said that she thought the Town may need additional assistance from SRPEDD, as the allotted hours may not be enough. The Board would need to vote to submit the District Local Technical Assistance (DLTA) application. The application needs to be submitted by February 3, 2012.

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

VOTED: To authorize the Chairman of the Selectmen to sign the DLTA application to request additional assistance from SRPEDD for Zoning and Permitting projects.  
Unanimous in favor.

### **Old Business**

Chairman Olivier gave an update on the Water Advisory meeting with the residents. There was a lot of discussion from the residents about why they were being assessed a betterment. The point was brought up that the Town needed the water, so why did the residents have to pay for the extension of the water line. They did not deny the fact that they should pay a betterment, but were concerned about the amount. Dennis Savas did not feel that \$65,000 was appropriate. The residents complained about the water quality and said that the pressure was not great. They felt it was stagnant and wanted it to be flushed out. Chairman Olivier said that we will ask Taunton to flush the line. Chairman Olivier said that he felt that the betterments are reasonable. He thought the Water Advisory Committee did a great job to calculate what the best method was. Further information was provided regarding the meeting that had taken place.

Chairman Olivier stated that he will look at what had been recommended, since if the Board does not try to mitigate this, it will all fall on the taxpayers. The Board then discussed other options for distributing the costs. The Board ran some calculations to see if they could come up with something more fair and just.

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

VOTED: To adjust the betterment fee of \$323,000 with the Town absorbing \$161,500 (50%) from the Water Enterprise Fund. The remaining 50% will be portioned to the existing method that includes 30% frontage and 70% value to remaining locations served by the water line extension, excluding the Town of Lakeville, and to forward this to Town Counsel for review.  
Unanimous in favor.



## **Other Items**

1. Notification of legislation passed for Election of the Freetown Lakeville Regional School District Committee
2. Notice of Bi-Monthly Sanitary Landfill & Transfer Station Inspection Report – December 28, 2011
3. Letter from Old Colony regarding corrective legislation for \$2,500,000 borrowing  
Ms. Garbitt mentioned that the motion for the corrective legislation for Old Colony Vocational has been done. It is not clear if the two (2) communities may have to revote it. After bonding is voted, they only have 30 days to vote on it. There is no way every community can vote on it in 30 days. This provision does not agree with State law, and they need to bring their agreement in conformance with State law. Gary Brown did not know if Lakeville would have to go to Town Meeting and revote. Selectman Maksy recommended that Town Counsel look at both of the letters to make sure of what the Board may be supporting and signing.
4. Notice from Town Counsel regarding Appeals Court Invalidates Cap on Class 2 Licenses  
Chairman Olivier stated that Kopelman and Paige sent out a memo about Class 2 Licenses. The Appeals Court has invalidated any limits set on the number of Class 2 Licenses that a Town issues. Ms. Garbitt stated that the Town has a cap of 15. Chairman Olivier asked if they should amend the bylaws and strike the amount. This matter will be further discussed at another meeting of the Board.
5. SRPEDD Meeting Notice – January 25, 2012
6. Suburban Coalition Membership Renewal Notice
7. MassWildlife Advisory – Grant Application Open for Private Landowners
8. Council of SEMASS Communities-March 1, 2012
9. MBTA Advisory Board information about proposed fare increases and budget cuts
10. Southeastern Massachusetts Commuter Rail Task Force meeting-January 25, 2012
11. Letter from FEMA regarding the final flood elevation determination for Lakeville
12. Invitation from Superintendent McCarthy to attend Budget Workshop on February 4, 2012

At 10:40 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter into Executive Session to conduct strategy with respect to the Collective Bargaining Agreements with the Fire and Police Unions and to discuss strategy in preparation for negotiations with non-union personnel, because an open meeting may have a detrimental effect on the negotiating position of the Board, not to return to open session but to adjourn in executive session.  
Polled vote of: Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Belliveau – aye.