

SELECTMEN'S MEETING
Monday, January 26, 2009

On January 26, 2009, the Board of Selectmen held a meeting at 6:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Evirs at 6:13 PM. Selectmen present were: Selectman Evirs, Selectman Yeatts and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Review CDM's Water Master Plan Contract

Selectman Yeatts stated that Town Counsel has reviewed the CDM contract. We will reduce the insurance limits to \$1 million from \$3 million. She met with Dick Keith from DEP. He had some recommendations on how to revise some of the times that were allotted to specific tasks. For example, to review the cost of a sewer plant on Assawompset Pond just to rule out the cost as prohibitive would only require a minimal amount of time. Whereas the need to review potential water sources requires more attention. Ms. Garbitt said CDM has the 1964 and 1965 Master Water Plan that they are updating. That is why the cost is only \$35,000. They are not starting from zero. Selectman Yeatts said also on the Capital Improvement Plan, the reality is we do not need to spend \$10,000 since the piping is mostly new in Lakeville. Selectman Yeatts said it is more important to spend money on a new IMA (Inter-Municipal Agreement) with Taunton adding the fact that Taunton owns the pipe until such time that it is turned over to Lakeville. We need to remove the ability of anyone getting water from Taunton if they do not have Lakeville's approval. Selectman Yeatts will invite Dick Keith to sit down with Dave Young from CDM on January 30th and assign more time to some of the tasks and less to others. The DEP needs to be there since we do not want to find out that they will mandate something after the fact. We need to determine what we need to have in place to have a water withdrawal permit.

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

VOTED: To authorize the Town Administrator to sign the contract with CDM contingent upon Town Counsel approving the final draft with the tasks amounts changed and adding in the water withdrawal permit language.
Unanimous in favor.

Review Consent Agreement regarding Lease Agreement with Bay Communications

Ms. Garbitt said Sherin Everett from Kopelman and Paige, P.C. explained the three (3) changes to the lease to her. The changes address financing issues. Selectman Yeatts asked if anyone has seen the site. Ms. Garbitt said she has. Chairman Evirs said there is a building at the base of the tower which houses the equipment. Selectman Yeatts stated she has not seen the cell tower site. She said she has viewed plans for Phase 3 with Le Baron and there is a 100 foot no touch zone around the entire well site. That was their agreement that they will not build anything within 100 feet. Their plans show a parking lot. However, they will not be coming to Phase 3 anytime soon. But we need to remember that since it has to get source approval. They are at the end of Phase 1 right now. Selectman Maksy said we should let them know about the well site

and cell tower. Can they both be together, we should ask the consultants. Selectman Yeatts said she would have made a fuss about it a long time ago if she thought it would give us a problem in getting site approval. Selectman Maksy said he just wants it acknowledged in the study about the propane tanks that will be there and all the rest that goes with that, fuel, generator, etc. Just in case they have to move things around, they can. Chairman Evirs said the cell tower might be taller than the water tower. Ms. Garbitt said she will make sure to have Le Baron's plans out Friday at the meeting.

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

VOTED: To approve the Consent Agreement for the Lease Agreement with Bay Communications, LLC, based on Selectman Maksy's concern.
Unanimous in favor.

Discuss request from Amy Damon of 21 Precinct Street to connect to Taunton Water

Chairman Evirs said when the water main first went down Precinct Street; the residents were told that they could tie in. The owner at the time declined to put a tap on the line and the line is across the street from their home. The new owners are having trouble with their well and water pressure and want to be connected. There is an expense of going across the street for the connection. Ms. Garbitt said she did mention to Ms. Damon the expense tying in, including the capital improvement fee to Taunton. In the past, others did put in a tap, but there is a moratorium at this time. The DEP said that if they had done the tap, then they are an existing customer since it is a residence, but we do not know how the City of Taunton would feel about this. Even if the Board of Selectmen approves it, the DEP would also have to approve it. Selectman Yeatts said they may just need a new pump. Chairman Evirs said it sounds like it is a shallow well and the pump is in the basement as opposed to an artesian well where the pump is outside. Selectman Yeatts said she would like to see the Board of Health records before we agree to dig up the street and add a connection. We have others also looking for water. Chairman Evirs said Taunton may not look at it as an existing customer since the previous owner declined. Selectman Yeatts said it does not say the well is failing; it might just be the pump.

Chairman Evirs suggested sending a note back to Ms. Damon to have a well company come in and check it out and evaluate her system and notify the Board of Health and the Selectmen on the results. Ms. Garbitt said they have a 21,780 square foot lot. Originally the previous owners were going to do the tap, but then changed their minds. They had been eligible and approved to tie in. Ms. Damon is aware the total cost would be approximately \$10,000. If DEP and Taunton do not consider her an existing customer, they could decline her even if the Selectmen approve her request.

Review request for reappointment as Constable – Herve Vandal Jr.

Chairman Evirs read the request from Herve Vandal, Jr. to be reappointed as a Constable for the Town.

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

VOTED: To re-appoint Herve Vandal Jr. as Constable to the Town of Lakeville with an expiration date of January 28, 2010.
Unanimous in favor.

Review request for use of Town House-April 10th & 11th – Apponequet Athletic Boosters

Chairman Evirs read the request from the Apponequet Athletic Boosters to use the Town House for their annual Easter Plant sale.

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

VOTED: To approve the request by the Apponequet Athletic Boosters to use the Town House on April 10th and 11, 2009 with the conditions as previously listed by the Board.
Unanimous in favor.

Discuss scheduling Board of Selectmen Meetings – March and April

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

VOTED: To schedule Board of Selectmen Meetings for March 9th, March 23rd, April 7th and April 27, 2009.
Unanimous in favor.

Any other business that may properly come before the meeting.

Ms. Garbitt said she received an amendment for the Tri-Party Agreement for Cedar Pond Preserve. Town Counsel has been working on the amendment and did approve it. The Board of Selectmen signed the original agreement, so Town Counsel says that the Selectmen can sign the amendment or the Chair of the Planning Board but consistency is important. However, the Board has not had a chance to look it over and maybe they can do that tonight when they meet with the Planning Board later this evening. This is in the sign folder if after the hearing you want to discuss it. Chairman Evirs said the Planning Board can reaffirm their vote to authorize the Selectmen to sign the amendment.

Ms. Garbitt said Monday night at 8:00 PM, the Planning Board is holding the hearing on the rezoning of County Street. The Master Plan Implementation Committee was going to meet with the Planning Board prior to the hearing to discuss the Neighborhood Business District at 7:30 PM to discuss it. Winn Davis, Town Administrator of Freetown is trying to put together a joint meeting of the Town Administrators on that same evening. She would like to attend the meeting with the Town Administrators. Selectman Maksy and Selectman Yeatts said they would attend the Master Plan meeting. Ms. Garbitt said the Master Plan Implementation Committee and the Planning Board met on this topic a few months ago and it was agreed that they would meet again.

Ms. Garbitt said she received notice from the Lieutenant Governor's office regarding the Stimulus Package update to all the towns that submitted applications, thanking everyone. The list is very long. They did ask towns to prioritize. Towns need to be 180 day shovel ready with their projects. She has forwarded the cover letter and the four (4) project applications to Representative Canessa, Representative Quinn and Senator Menard's aides to call us back on this. We have already prioritized our list. Chairman Evirs said we should send another note letting them know that one (1) of the projects is gone now (due to them allowing only three (3) now) and the three (3) that are prioritized. Selectman Yeatts said we should send this to Secretary O'Connell and Barney Frank as well.

Ms. Garbitt said she received a note from Chris Peck, Superintendent of Streets about the sanding of private roads. Chairman Evirs said though sanding may have been done to some roads in the past, it was when men and material were available to do it. With the cost of sand and salt, it is becoming too expensive to do these additional roads. We may have to direct the homeowner associations to do it. Town Counsel's advice is to send a letter to the homeowners associations and if there is no association, then send to the individual homeowner. We should also let the press know that it has been a luxury in the past. Everyone is aware that times are very tight now. We were not able to get salt for the past two (2) weeks. The Town finally had a delivery of salt today. Also, since the majority of the private roads are not built to Town specifications, it makes access by the sanders difficult, if not dangerous. Selectman Yeatts said she lives on a private road and has gone to the Highway Barn before and gotten a bucket of sand. Other residents on private roads could do the same. Chairman Evirs said a small pail is not a problem, but if someone drove in with a pick up truck and took five (5) barrels to fill, then they should go to a supplier for that. Selectman Maksy said that perhaps Mr. Peck could compile a list of people who plow and sand to give to residents.

Chairman Evirs said the Town does not have the manpower, small equipment or money to do this any longer. Selectman Yeatts said there are about 400 people in the shorefront communities and that would be a large cost to the Town. Ms. Garbitt said a lot of requests are to sand the icy hill in Clark Shores. Town Counsel did say that the Selectmen should set a policy and decide how it will be handled. Selectman Maksy said Town Counsel did say that a lot of communities, due to budget cuts, are no longer doing this. The Town could bill the Associations for the cost of sanding.

Chairman Evirs said we will come up with a press release on this. We will talk with the Fire and Police Chiefs regarding who deems that a public emergency situation exists regarding private roads. Selectman Yeatts said we are getting about ten (10) inches of snow on Wednesday so we need to say what we will and will not do it at this point. Gary Mansfield said the concern of the Finance Committee is that we are limited with the resources. We would like to be cautious about setting a precedent on continuing doing this. We should check with other communities to see what their policies are. He is concerned about the time our employees are spending on it and also the liability and the cost, wear and tear on the equipment, etc. Chairman Evirs said some of these roads are basically a large driveway shared by a few neighbors. Ms. Garbitt said she thinks it has to be more than public safety and that it is deemed by the Fire or Police Chief. Chairman Evirs said it is still the Homeowners Association that needs to take the responsibility of making

their private road passable, not the Town. Any of these communities can make their roads come up to Town standards and petition for the Town to then take care of the roads. Selectman Maksy said so the policy is we cannot sand private roads unless it is a public safety concern and the Police and Fire Chief deem it an emergency. Selectman Yeatts said the Superintendent of Streets can call the Fire or Police station to make the call if it is deemed a safety emergency.

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

VOTED: Not to sand private roads unless it is deemed a public safety emergency by the Police or Fire Chief.
Unanimous in favor.

Other Items

1. Memo regarding formation of committee to explore full regionalization
2. Letter from Board of Health regarding 7 Pine Bluff
3. Notice regarding upcoming Station Workshops – Southcoast Rail
Chairman Evirs stated he could not attend this meeting. Ms. Garbitt said she will ask Linda Grubb if she can attend.
4. Letter from Southcoast Environmental regarding 180 Main Street
5. Letter from Common Cause regarding e-Government Awards
6. Memo from Town Counsel regarding Cutting & Trimming of Public Shade Trees
Chairman Evirs asked that Mr. Peck receive this.
7. Letter from Verizon regarding Revised Video Franchise Bill
8. Information from HOME consortium regarding quarterly activity reports
9. Information regarding upcoming JTPG meeting – January 28, 2009
10. Plymouth County Commissioners meeting notice – January 13, 2009
11. Information regarding I495/24 Collaborative
Ms. Garbitt stated that she attended this meeting, and there is a survey in your packet and Lakeville is considered part of it. However, she has had too many meetings to go to, and the survey needed to be done by today. There is a lot of interesting information in it. They are trying to decide who is in and who is out. Chairman Evirs said in fairness, we only went to one (1) meeting and to sit at one (1) meeting and offer advice was difficult to do. He did not think the Board was in a position to offer their opinion. Most of the people involved have been Directors of the Chamber of Commerce and from SRPEDD. Selectman Maksy said he would skip this.
12. Information from Coalition for Zoning Reform on CPA Act
13. Information from Municipal Coalition for Affordable Housing regarding amending Chapter 40B
14. Information from Massachusetts Historical Commission regarding 2009 Preservation Awards Competition
15. Information from Lighthouse Electrical regarding wind power
Selectman Yeatts asked Selectman Maksy if he was interested in this. Selectman Maksy said he will look into this and see what they can offer the Town.
16. The Wave Newsletter from Tata & Howard
17. Letter from Comcast regarding channel line-up changes

18. Southeastern Mass Regional Sustainability Exchange February 4, 2009

Ms. Garbitt asked Selectman Yeatts if she wanted to attend this. Selectman Yeatts said she would like to stick to water issues. Mass Municipal changed their policy with environment; they added a resolution on water infrastructure and energy.

7:00 PM Meet with Finance Committee to review FY09 and FY10 budget

Finance Committee members present: Gary Mansfield, Chairman, Melissa Hopkins, Michael Petruzzo, Steve Olivier, and James Hanlon. The Finance Committee called their meeting to order at 7:15 PM.

Selectman Yeatts began the discussion saying that she, Mr. Olivier and Ms. Hopkins attended the Regional School Committee meeting and Selectman Maksy and Mr. Hanlon were volunteered to attend further meetings regarding the Regionalization Study Committee.

Ms. Garbitt distributed copies of the FY09 and FY10 budgets and the proposed cuts taking place in both. She stated that until the Town has the revised Cherry Sheets for FY09, the Board of Selectmen will need to go on the premise that Lottery Aid will be cut by \$99,000. Chairman Evirs said he needed clarification on the \$128 million cut and then the 9.74% cut. Ms. Garbitt replied it is the additional assistance that is so confusing. Mr. Mansfield said we need to see what the numbers are when the Cherry Sheet comes in to see exactly what it is about since there are different areas of the Cherry Sheet that may be impacted. Selectman Yeatts said by the end of this week, we should be able to see how it will affect our community in FY09 and what is being presented for FY10. Discussion occurred regarding the Lottery Aid monies. In the Governor's speech Friday he did not know if he would apply the 9.74% cut to the Lottery gap. She assumes it was 9.74% for all the Lottery, but the Governor has not made up his mind as of Friday. Selectman Yeatts said that many of those attending the MMA meeting were confused from the Governor's speech. Selectman Yeatts said that is why we really need to wait until the Cherry Sheets come out.

Ms. Garbitt said we should start discussing potential cuts in this year's budget and we have asked the Departments for a FY10 maintenance budget, which are level services. Does the Board of Selectmen want to ask them to do a level funded budget? Chairman Evirs said he thought we needed to head there, based on the fact that we have not received any additional money. How would they absorb their additional costs? Mr. Mansfield said we have NSS (Net School Spending) and beyond that, we do not have any more money. The school has to know that they need to look at a level funded budget for FY09. Ms. Garbitt said if we look at using the scenario from the Governor. We have a \$602,000 revenue shortfall from FY09. We also have the health insurance increase on top of the \$602,000, and we are still finalizing the numbers on the Debt Service.

Ms. Garbitt said she would like to ask for a Level Funded Budget for FY10 that absorbs any raises and increases and find out how this will affect Department budgets. Selectman Maksy said that may mean cuts in the Departments, but there is at least a savings with the fuel. Chairman Evirs said some offices have staff consisting of one (1) clerical person or are already down a person that has not been replaced. Some Departments cannot offer anything. Level

funding may be cutting hours for them. Selectman Maksy said let's look at the Maintenance Budget and go with that, since we do not have the Governor's numbers. Selectman Yeatts said she does not want to start a panic, but there is concern. Mr. Mansfield said a Level Funded Budget based on FY09 figures is not taking into effect the 9C cuts, so we might be better off getting the Cherry Sheet numbers with the cuts and see how it will affect those numbers for the FY09 budget. It will compound it even worse. Ms. Garbitt said we were thinking a Level Funded Budget for FY09 before the 9C reduction. Selectman Maksy said if we tell them they will have to make a 5% cut, then that is the number we want them to work with going forward. Ms. Garbitt said all the Departments know to only order supplies if they absolutely have to, and they call me for approval. Mr. Mansfield said it is important not to scare employees, but the axes keep on coming and the Town has done the very best that it can.

Chairman Evirs said the Governor's statement of not cutting the State Aid money to the schools is a great statement. The Towns in the Commonwealth that go over the NSS requirements have used State Aid and other Local Revenues to go over the NSS amount to give the schools the assistance that they have needed. Mr. Mansfield agreed, Lakeville has been very supportive of the schools, when it has had the money. Chairman Evirs said we might have to trim back what we over-funded the schools. There is not a lot of trimming in Town Government that can be done. We have trimmed and sent the extra to another area and it will not be easy to make some decisions. The Town is \$1.4 million over NSS for the Local school budget and is at NSS with the Region. Chairman Evirs said there was a report somewhere that the Town was 27% over NSS for the Local.

Chairman Evirs said that he believed Department Heads needed to start working on a Level Funded Budget. Not to scare the employees, but we need to know where we can squeeze if there is any room left in these Departments. They can say how many man hours they will need to reduce monetarily wise, but not pinpoint any particular person. Selectman Maksy said we need to decide where the starting point is. Mr. Mansfield said he felt it would be FY09 after the reduction. Ms. Garbitt said last year the Town used \$400,000 from the Capital Debt Service Stabilization, \$44,000 from Regular Stabilization and \$211,000 from the School Roof Reimbursement that the Town does not have this year, so the Town is short \$602,000 in Revenue before we start. The Town does not start having new money until FY11. We used the one time monies for the operating budget last year. Selectman Yeatts said then there is the debt we put off paying. We need to catch up with now.

Mr. Mansfield adjourned the Finance Committee meeting to the other room at 7:55 PM.

Attend Planning Board Hearing regarding National Development

At 8:03 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Maksy it was:

VOTED: To continue the meeting to attend the 8:00 PM Planning Board hearing for National Development.
Unanimous in favor.

At 10:00 PM, the Planning Board voted to continue the Hearing for National Development to Monday March 2, 2009 at 8:00 PM.

After a brief discussion with the Planning Board regarding the Second Amendment to the Tri-Party Agreement regarding Cedar Pond Preserve, upon a motion made by Selectman Yeatts and seconded by Selectman Maksy, the Board

VOTED: To approve the Second Amendment to the Tri-Party Agreement regarding Cedar Pond Preserve and authorized Chairman Evirs to sign it.
Unanimous in favor.

At 10:10 PM the Board of Selectmen entered the Conference Room to continue their meeting.

Upon a motion made by Selectman Yeatts and seconded by Selectman Maksy, on a unanimous roll call vote, the Board:

VOTED: To enter Executive Session and not return to Open Session for the purpose of discussing pending litigation, negotiations with non-union personnel, and to consider the purchase, exchange, taking, lease or value of real property.
Polled vote: Selectman Yeatts-Aye, Selectman Maksy-Aye and Selectman Evirs-Aye.