

SELECTMEN'S MEETING
Monday, February 4, 2008

On February 4, 2008, 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 Chair Yeatts at 7:00 PM. Selectmen present were: Selectman Yeatts, Selectman Evirs and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary.

7:00 PM Ed Byrnes-EBS Foran-presentation on Group Insurance Committee

Chair Yeatts introduced Ed Byrnes who was present to give the presentation on Massachusetts Health Care Reform and the GIC (Group Insurance Commission). Mr. Byrnes reviewed The Act: Chapter 58 of the Acts of 2006, "An Act Providing Access to Affordable, Quality, Accountable Health Care", signed into law on April 12, 2006.

Mr. Byrnes went over the process for joining the GIC and what the GIC is. The GIC (Group Insurance Commission): a quasi-independent State Agency established by the Legislature in 1955. Its purpose is to provide and administer health insurance and other benefits to the Commonwealth's employees and retirees and their dependents and survivors. It is governed by an eleven member commission appointed by the Governor, to be expanded by addition of a teachers' union representative and a municipal management representative. Later an additional municipal management representative and a public safety representative will be added. The GIC now covers over 286,000 State employees and retirees, the City of Springfield enrollees, and their dependents.

The local option to join the GIC has been offered since the premium rate increases for municipalities are unsustainable. The GIC has experienced increases averaging only 10% for the last ten (10) years and the Legislature's solution was to provide cities, towns, districts and certain other public entities the option to join the GIC. The current carrier/plan options for employees and non-Medicare retirees are: one (1) Indemnity Plan, Four (4) PPO Plans, and four (4) HMO Plans. For Medicare retirees: One (1) Medicare supplement (OME) indemnity plan, and five (5) Medicare HMO-style plans. Currently Blue Cross/Blue Shield is not an option. There is a mandatory October 1st decision process. Plan offerings may change for the following July 1st. Municipalities/members will know new carrier/plan options in March. The GIC controls carrier/plan options.

The process for joining the GIC is as follows: Adoption of the amended Coalition Bargaining Statute, Chapter 32 B, sub section 19, by vote of the Board of Selectmen in a Town, the Regional District School Committee in a Regional School District, and the City Council, with approval of Manager or Mayor (depending on charter type) in a City; the adoption of a written agreement between the "Appropriate Public Authority" (APA) and the "Public Employee Committee" (PEC) and the transfer of subscribers to the GIC. The adoption of a written agreement between the APA and the PEC has required elements such as: the decision to join GIC health coverage, health premium contribution ratios, terms for revocation of sub section 19 if the municipality or subscribers wish to withdraw from GIC after three (3) or six (6) years of enrollment. The written agreement must be received by the GIC on or before the October 1 preceding the next July 1 effective date of GIC coverage.

Transfer of subscribers to the GIC: all eligible subscribers must enroll in the GIC, mandatory Chapter 32b, sub section 18 compliance, municipal employer must utilize State's secure email system, and GIC's standard forms for all data exchanges and complete re-enrollment is required; municipal employer must collect and submit all documents required to establish eligibility of subscribers and dependents. The GIC is only responsible for claims after effective date. No subsidizing of GIC benefits is allowed, and a 1% administration fee may be charged by the GIC.

Factors to consider: the GIC is an option to be considered, but it is not a panacea. Will it save money? Have all other options been explored? Uncertainty: three (3) or six (6) years are significant lock-in periods. You may not be able to get of the GIC once on. The GIC is unable (at this time) to provide claims experience by member community.

Some questions were asked for comparison purposes with Mr. Byrnes by the Board. It seems to make sense if the employee pays \$5 more for a co-pay, the Town would save a little over \$1,000. Trends are coming down now quite rapidly, 10%. It will be down to single digits by renewal time in July, and that is amazing. This is due to the fact that this is an election year. It is a reaction to outside influences, not necessarily a reaction to the real numbers.

Selectman Maksy asked why the State would pick the GIC? Mr. Byrnes responded that the State had to do something. Towns were not able to cope with the rapid increase of health care so they had to do something. They created this option for local Boards to make a decision about. This was the Governor's reform item, a way to do something, afford an option to communities, but local boards have to make the decision. Selectman Maksy noted that the Town has a Regional School Committee to also consider. Mr. Byrnes stated that they are on their own. You (Town) can always reduce your rates by increasing the co-pay and negotiating that with the employees. The Town can go to the unions and talk about coalition bargaining and all the options. We (EBS Foran) have done these presentations for about 40 communities and brought the employees together to discuss it. Maybe four (4) small communities and one (1) small school district have done this. It is an option, not a cure, it is difficult.

7:30 PM Revisit Earth Removal Permit-Marcus Baptiste-Lot A Main Street

Marcus Baptiste was present for the Earth Removal Permit discussion. He distributed recorded copies of the deeds to the Board and the Town Administrator. He was asked to put hay bales and the stone strip on the plan, and they both have been done. Other requirements were six (6) inches minimum of loam and seeding, which are now on the plan. He also gave some preliminary progress plans and went over them with the Board. He stated he was going to jump the curb and have not had to use a curb cut since that is all getting ripped out anyway. Selectman Evirs mentioned that Mr. Peck had a comment of obtaining the curb cut since the Board cannot authorize Mr. Baptiste to cut the curb. But the actual opening will be elsewhere.

Mr. Baptiste stated that they did not have the elevations of Route 79 a year ago, so they just drew it out without any facts to back it up. That is available now. The start of the work will be as soon as possible. The duration is about six (6) months. It could be less depending on the weather. There are two (2) primary destinations for the material. One is Gene Bartlett's subdivision and then the other route of travel would be down Pickens Street or down Route 105 to TL Edwards. The vast majority would be going to those two (2) sites, but Gene Bartlett did not want to rule out the possibility of having another site where the earth might go. Selectman Evirs explained

that the Town already had an incident with another developer working on the weekend. That permit definitely said no removal on Saturday. Selectman Maksy explained that it is for accountability, not to restrict where the earth goes. Selectman Evirs stated that the Town also need to know how much earth material is being moved and Mr. Baptiste needs to be able to document this on the slips. Selectman Maksy stated that if Mr. Baptiste changes the route, he needs to revisit and discuss it with the Board. Chair Yeatts stated that she would like to know upfront with a certain amount of certainty where it is going. Mr. Baptiste stated that he did not think it will that much earth. Chair Yeatts asked if Mr. Baptiste was satisfied with the two routes. Mr. Baptiste responded in the affirmative. He will come in on April 1st to renew the permit after they have done what work they can do. It should be less than an acre, about 2-3000 yards. 10,000 cubic yards is the total amount.

Chair Yeatts asked if the Town was going to ask for a bond. Selectman Evirs asked if it would include the loam and seed. Chairman Yeatts explained that the Board is trying to remain consistent since it just had a very similar project. So, there should be a bond of \$5,000 for the loam and seed, and a \$10,000 bond for the road repair. Mr. Baptiste explained that the road repair concerns him. Selectman Evirs explained that the trucks would be on Precinct Street and Pickens Street and that is the two (2) Town roads. Chair Yeatts further explained that it depends on the number of trucks a day since that would definitely do some damage. If the project is accelerated to 20 trucks an hour, it would be obvious that it would be your trucks doing the damage. Selectman Evirs added that if there were frost heaves and then Mr. Baptiste accelerated the truck operations, and it was a wet day, then the trucks would create the potholes from the heaves. This is just to chip in for the road repair. You would not be asked to pay for the whole road repair. Mr. Baptiste explained that he has no control over Mr. Bartlett's trucks. They will also have concrete trucks going in and out. Selectman Maksy stated that it will be hard for the Board to prove but if they see a truck on the side of the road, it would be obvious. Chair Yeatts suggested that Mr. Bartlett put up the bond. Mr. Baptiste stated that he would discuss it with him. Selectman Maksy stated that the bonds are held separately. The road is for six (6) months, since the project may not need the loam and seed for a few years.

Chair Yeatts asked if Mr. Baptiste had a list of the conditions? Mr. Baptiste responded that he did not think so. He asked if only the slopes would need the loaming and seeding? He will do a cash bond for the loam and seed. Chair Yeatts responded that the conditions say stabilization. She is not sure how this works with Conservation Commission. Selectman Maksy explained that it is more of a dust control thing. Dirt will be removed everywhere. If it is only the edges, it will defeat the purpose. Mr. Baptiste stated that he was planning on leaving the whole flat area where the store would be going bare since it is basically sand there. Selectman Maksy stated that this is not to just pacify us. Chair Yeatts stated that it is the slopes that you do not want to erode. Further discussion took place for clarification of what will be done. There may be some reshaping of about 1,000 yards. Ms. Garbitt explained that the only reason that the Town does the bond for the whole site is if the developer walks away from the project and leaves the site open. Selectman Evirs stated that if he has a building permit, then the Board can release him from the loam and seed. Chair Yeatts stated that she just wants to make sure that the slopes do not fall back into the site. Selectman Evirs stated that once it is satisfactorily stabilized or he gets the building permit to build, he could be released.

Mr. Baptiste asked about site plan approval from the Planning Board. Selectman Evirs responded the Board can release the bond since he will be coming in to reshape the land all over

again. Mr. Baptiste stated that there will be a retaining wall. The small bank will be coming out. Selectman Maksy mentioned that his thought on the reason a bond is put into place is if someone comes in to do a 100-acre cranberry bog, the Town wants to make sure they actually put in the bog. He wants to remove the dirt and so the loam and seed should be the whole site if he backs out. He agreed with Selectman Evirs that the Board hold the bond until Mr. Baptiste gets the building permit or other authorities step in, as long as an approval process is going on. Chair Yeatts stated that as long as it is not more than a truck and a half an hour, they will not have a problem with the police. If it is more than two (2) trucks an hour, the Chief may want to take a look at it and assign a detail. Selectman Evirs noted that there might be a consideration to work around the train schedule since the Chief may want a Police Detail during those times.

Selectman Maksy asked if #8 is what the bond will be tied to? Chair Yeatts responded that that was correct. Routes were: #1 105 south to Precinct Street to Pickens Street to Woodland Ridge. #2 Route 105, left onto Bedford Street to TL Edwards. Mr. Baptiste noted that if it all goes the #2 Route, then he will not have to post a bond. Chair Yeatts asked if Mr. Bartlett has a bond with Woodland Ridge? Mr. Baptiste responded that he will talk it over with Mr. Bartlett and allow him to make the decision. Chair Yeatts stated that no onsite screening will take place. Selectman Evirs mentioned that usually people post a bond, they do not put up cash. Mr. Baptiste responded that he has never done a bond. Ms. Garbitt stated that it costs a few hundred dollars. Chair Yeatts stated that she felt the matter should continue to the next meeting since she is against revising permits once they go out. So the Board can vote as it is and Mr. Baptiste go with that, or the Board continues it to the February 25th meeting. Mr. Baptiste stated that he and Mr. Bartlett will go with it. If Mr. Bartlett does not want to go with it, then they come back April 1st. Selectman Maksy stated that the Board should do #8 all the time for all projects so that the Town is protected with surety, to cover itself. Mr. Baptiste asked if there is any written criteria for the bond? Chair Yeatts explained that that would be through the Town Administrator. Ms. Garbitt will speak with Mr. Baptiste on that. Condition #13 will be a \$5,000 bond to loam and seed or an approved site plan from the Planning Board.

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

VOTED: To approve the Earth Removal Permit for Marcus Baptiste pending approval of the second bond with the conditions as amended.
Unanimous in favor.

Fire Chief Dan Hopkins –announce receipt of grant

Daniel Hopkins, Fire Chief, is present for the discussion. Chief Hopkins announced the receipt of a grant from FEMA (Federal Emergency Management Agency). The grant is for the installation of an exhaust capture system for the Fire bays. The grant application that was submitted under the FY2007 Assistance to Firefighters Grant was approved on behalf of the Department of Homeland Security (DHS). The DHS Federal Emergency Management Agency's National Preparedness Directorate, in consultation with the U.S. Fire Administration, carry out the Federal responsibilities of administering the grant. The approved project costs total \$72,400. The Federal share is 95% or \$68,780 of the approved amount and the local share of the costs is 5% or \$3,620.

Request to appoint Robert Iafrate to Master Plan Implementation Committee

Chair Yeatts noted that the Board needed to appoint Robert Iafrate, Building Commissioner, to the Master Plan Implementation Committee. He would replace James Marot, who resigned as Building Commissioner.

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

VOTED: To rescind James Marot's appointment to the Master Plan Implementation Committee.
Unanimous in favor.

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

VOTED: To appoint Robert Iafrate to the Master Plan Implementation Committee with a term to expire July 31, 2008.
Unanimous in favor.

Request from Library Director to approve antitrust settlement

Chair Yeatts said that the Board needed to approve the antitrust settlement for the Public Library.

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

VOTED: To approve the antitrust settlement in the amount of approximately \$300 to use for the enhancement of the music collection.
Unanimous in favor.

Approve contract for Pavement Management Engineering Services

Chair Yeatts noted that the Board had previously voted to contract with Beta Group, Inc. for Pavement Management Engineering Services. They had received the contract and needed a formal vote to sign it.

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

VOTED: To sign the contract with Beta Group Inc. for Pavement Management Engineering Services.
Unanimous in favor.

Request for constable reappointment-Kenneth Upham

Chair Yeatts read the request from Kenneth Upham for renewal of his constable appointment.

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

VOTED: To reappoint Kenneth Upham as constable with a term to expire January 9, 2009.
Unanimous in favor.

Schedule Budget Meetings with Finance Committee and Department Heads

A discussion occurred regarding setting up meetings between the Finance Committee, Board of Selectmen and Department Heads. The first meeting was scheduled for Thursday, February 21, 2008 at 7:00 PM to start with the Police & Fire Departments, the Treasurer, Assessor, and Highway Department. It may take two nights to do all of them. The second evening would be March 6, 2008 at 7:00 PM. Ms. Garbitt will contact the department heads to schedule them on these dates. Maybe the schools will meet on the 6th of March.

Review and vote to approve Selectmen's meeting minutes: May 29th, and December 20, 2007; January 9th, January 10th, January 22nd, and January 25, 2008

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

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of May 29th, and December 20, 2007; January 10th, January 22nd, and January 25, 2008.
Unanimous in favor.

Upon a motion made by Selectman Maksy, seconded by Chairman Yeatts stepping down to vote it was:

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of January 9, 2008.
Unanimous in favor with one abstention.

Review and accept Executive Session minutes: January 10th and January 22, 2008

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

VOTED: To waive the reading of and approve the Executive Session meeting minutes of January 22, 2008 as presented.
Unanimous in favor.

Upon a motion made by Selectman Evirs; seconded by Chairman Yeatts stepping down to vote it was:

VOTED: To waive the reading of and approve the Executive Session meeting minutes of January 10, 2008
Unanimous in favor with one abstention.

Other Items

1. Notice from TEAMS regarding Green Fair-April 12, 2008 petitions
Chairman Yeatts explained that this is a Green Fair to be held at Ted Williams Camp and it will help the Town. The goal is to help people to understand how watersheds work and how actions of individual property owners can impact many aspects of the health of the water systems in a watershed. It is hoped to inspire responsible decisions about such things as lawn care, landscaping and gardening, earthmoving, waste disposal, water use, and septic system care.
2. Notice from DEP-Oil Spill at 180 Main Street
3. Memo from Town Counsel regarding Local Licensing of Massage Therapists
Selectman Maksy asked to give this information to the Building Commissioner and the Planning Board so that they are aware of this. Chairman Yeatts explained that it is online for them to look at.
4. Notice from SRPEDD-A Best Practices Model for Streamlined Local Permitting booklet
5. Letter from Comcast regarding Form 500
6. Notice from Comcast regarding change of address
7. Notice from OSD – Start Trade Show-May 6, 2008
8. Newsletter regarding Community Preservation Act
9. FY 2009 Farmland Recommended Values
Chairman Yeatts stated that she wants to make sure that this information went to the Board of Assessors since there have been problems in the past on how this is done. The Open Space Committee should also receive a copy. The rules have been changed on rollback and the 61 A & B has been merged into one.
10. Star Community Update

At 8:45 PM, upon a motion made by Selectman Evirs; seconded by Selectman Maksy, the Board unanimously:

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