

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**February 6, 2012 - 7:00 PM**

On February 6, 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 Chairman Olivier at 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Maksy and Selectman Belliveau. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. No one was recording the meeting.

**8:00 PM Meet with Fire Chief to discuss and vote on Ambulance Rates for 2012**

*Fire Chief Daniel Hopkins was present for the discussion.* Chairman Olivier said the Selectmen had received Chief Hopkins's recommendation for the 2012 Ambulance Rates, along with the Ambulance Service Billing and Collection Policy. They also had the FY12 Billing Reconciliation report through November 2011 and the FY11 Billing Reconciliation report for comparison. It was noted that the current ambulance rates are 150% over Medicare's rate, effective July 1, 2011. Chairman Olivier asked how the write off rate was. Chief Hopkins responded that they have been pretty good. That amount can be found on the second line from the bottom of the account reconciliation report. There is a form that the Department provides for those with hardships, and people have to show that they are within those guidelines to declare a waiver of their costs. Contractual allowances are up, almost at 50%. That is since the fees were raised though. The Department is also down on medical runs as compared to last year.

Selectman Maksy stated that the shortfall has to be picked up. Ms. Garbitt explained that normally, they estimate \$300,000. However, the Town exceeded its receipts last year, and motor vehicle excise taxes are doing well since people are buying cars. Selectman Belliveau stated then the ambulance receives approximately \$24,000 a month. Chairman Olivier stated that he would like to see an aging of the balance. He felt that a lot of the \$182,000 is still hanging out there. Chief Hopkins responded that it is, but they have also written off some previous years dating back to 2008 and 2009. Chief Hopkins explained that there are different charges for an ALS Run versus a BLS run. Mileage is also charged for an ambulance run. Mass Health and Medicaid only pay a certain fee. If the ambulance run is not an emergency, the patient can usually choose which hospital they want to go to. The hospitals are St. Luke's, Morton and Tobey Hospital. Chief Hopkins stated that if someone has an outstanding ambulance bill, the amount can be taken from their real estate tax payment (if they are a resident). Then they would owe a balance on their taxes. It can also go to Small Claims Court. Selectman Maksy suggested that possibly the rates are not in line with what they should be. He would like to see what the private ambulance companies are charging and revisit this in June.

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

VOTED: To keep the ambulance rates as they are, based upon the recommendation of the Fire Chief, and to revisit the ambulance rates in May or June of 2012.  
Unanimous in favor.

### **Review Site Plan for Back Nine Club – 17 Heritage Hill**

*Selectman Maksy recused himself from the discussion.* Ms. Garbitt explained that the Site Plan is going before the Planning Board next week. Chairman Olivier stated that the owner is proposing a two-story addition to the club house. Ms. Garbitt responded that they would like to increase the number of seats from 130 to 180 on the main floor and install handicapped compliant restrooms on the lower level. A new kitchen would be in the addition on the first floor. The Fire Chief will have to determine if the secondary source of fire control will be adequate. The Board had no comments on the new Site Plan.

### **Review revised Betterment Budget Worksheet for Bedford Street Waterline Extension**

Chairman Olivier stated that at the last meeting with the property owners located along the Bedford Street water line extension, there seemed to be some confusion about the betterment. However, the end result is that the figures on the worksheet will be reduced by a third. The total cost of the water line will be split in half, and then everyone's betterment will be reduced by a third. Ms. Garbitt stated that the Town will pay \$161,500. The intent was to reduce the betterment by a third. Chairman Olivier explained that for the formula to work, it is necessary to leave the Town of Lakeville in to show the entire picture. Ms. Garbitt explained that when the Board spoke with the Chairman of the Water Advisory Committee, he had said that they already reduced the Town's share from the \$323,000 to \$161,500. The Town will absorb \$22,806, plus half of the \$323,000. The recommendation package went to Town Counsel for approval. The Selectmen were in agreement with the connection fees and the rules and regulations.

Chairman Olivier stated that the Board has to move quickly to get the software for the water billing. However, we need the amended Inter-municipal Agreement (IMA) signed prior to that happening. Ms. Garbitt stated that she is working on the IMA, but has not heard back from the Mayor of Taunton. The Water Advisory Committee did recommend some changes to the IMA. She asked if the Selectmen wanted to hold off on making the changes. Chairman Olivier responded that he would like to hold off. Selectman Maksy asked what if the Town needed to get somewhere, like to a well or a site, and the people on the street do not give a majority vote. Chairman Olivier stated that that would be an exception that is put in there. There needs to be a general rule for when a neighbor comes in and wants water. Is it to be the majority or 2/3's of those affected on the street? Selectman Maksy stated that he felt that each case could be treated a little differently. He added that he thought that there was a need to get the Board of Water Commissioners started. Ms. Garbitt stated that the Selectmen wanted to have at least a set of rules and regulations in place before getting started. The Water Advisory Committee is recommending that if a property owner wanted to apply for a water connection, plans and fees must be in place.

Chairman Olivier suggested prioritizing what needs to be done. The Town needs the IMA in place, the software must be purchased to do the billing, and we need to hire a clerk for the billing. Connection fees need to be adopted, and the regulations need to be created. Taunton already has regulations, and the Board may want to continue with them.

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

VOTED: To approve the sheet that says, First Adjustment, using 30% frontage and 70% value to determine the betterment fee.  
Unanimous in favor.

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

VOTED: To adopt the rules and regulations as presented by the Water Advisory Committee.  
Unanimous in favor.

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

VOTED: To set the fees as recommended in the plan from the Water Advisory Committee.  
Unanimous in favor.

Chairman Olivier stated that a clerk is needed to start invoicing the existing customers. Ms. Garbitt stated that she will prepare a job description for a clerk, and it will be a non-benefit position.

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

VOTED: To have Ms. Garbitt draft a job description for the Water Clerk's position.  
Unanimous in favor.

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

VOTED: To have Ms. Garbitt make the IMA her top priority.  
Unanimous in favor.

Chairman Olivier stated that the Town Accountant needs to be asked about how to do billing and what software to use. Ms. Garbitt stated that a lot of time has been spent looking at software packages. The billing will need to be backed up to the server. The City of Taunton bills their commercial businesses monthly and the residents quarterly. Ms. Craig asked if an off the counter program will mesh for people who would rather pay their bills online. Selectman Maksy responded that on line bill paying is not an option yet. The City of Taunton is still using old software, so their customers cannot pay their water bills online. However, the Town of Middleborough has their system set up so that people can pay their bills online. Selectman Belliveau suggested to look at what the Town of Middleborough uses for software.

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

VOTED: To authorize Ms. Garbitt to obtain an off the shelf program for the Water Billing.  
Unanimous in favor.

### **Review Preliminary FY13 Budget Summary**

Chairman Olivier stated that he worked with Ms. Garbitt to put together the preliminary budget. The Department Heads did as requested and level funded their budgets. They were to let us know if there were any increases in maintenance contracts. Chairman Olivier then reviewed the revenue summary for FY13. Ms. Garbitt mentioned that the Town received the reimbursement for the School vans. Selectman Maksy pointed out that it is showing that funds will be taken out of the Water Stabilization Account. He questioned if those funds could be used now. Ms. Garbitt stated that whatever percentage the Water Enterprise is to the budget is what has to be charged. Selectman Maksy stated that he thought it would be premature to take out \$20,000.

Chairman Olivier explained that at the joint budget meeting this past Saturday, it was noted that the School Department is expected to work within their Net School Spending (NSS) figure of approximately \$9,535,455. Ms. Garbitt stated that the amount of \$95,000 was for Old Colony's increase in NSS. This figure has gone up, but they do provide money back to the Town every year. Last year it was approximately \$25,000. Chairman Olivier mentioned that the Assessors would like to double their stipends. Ms. Garbitt stated that Dana Lucas would like to speak with the Selectmen regarding that and other items. Chairman Olivier stated that the position of Assistant Town Accountant needs to be created. This would enable Ms. McRae to have a succession plan and help her with some of the work. A salary of \$42,000 would be recommended. The Assessors' Office budget does not include the restored hours. The only increases are for the steps and licensing. Chairman Olivier noted that three (3) hours were added in for the Conservation Agent. There was a \$61,000 increase for the Fire Department which includes training, and the sick leave coverage, which is usually under budgeted. Also, the Town has additional street lights that it is paying for.

### **Review and vote on Agreement for Vision Appraisal's FY13 Real Estate Interim Update**

Ms. Garbitt told the Board that the Assessors had received the quote for the FY13 Real Estate Interim Update by Vision Appraisal. This requires approval and signatures from the Selectmen.

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

VOTED: To approve and sign the one (1) year Service Agreement with Vision Government Solutions for the FY13 Interim Update for an annual fee of \$5,000.  
Unanimous in favor

### **Discuss drafting a Warrant Article for a non-binding Town Meeting Vote regarding performance based evaluation and compensation programs**

Chairman Olivier stated that when he had attended a workshop hosted by the Massachusetts Municipal Association, there was a lot of information on how to prepare a warrant article for a non-binding Town Meeting Vote on Performance Based Evaluation and Compensation Programs. Even though this would be a non-binding vote, it would be interesting to hear from

the voters on how they felt about this. Chairman Olivier will obtain information on how to present this to the voters and discuss it with the Board.

### **Discuss Remote Participation in meetings by Board and Committee Members**

Chairman Olivier noted that the Attorney General's Office has allowed remote participation for Board and Committee Members. In order for this to be used, the Town must adopt this. Ms. Craig noted that a quorum must be physically present. The remote participant can participate in the discussion and can also vote. There would be a roll call vote, which would be recorded in the minutes. Chairman Olivier asked if the Board can adopt this with conditions. Ms. Garbitt stated that the Board had asked her to schedule an Open Meeting Seminar, and remote participation could be discussed. Perhaps that could be done after the election as there may be new members to Boards and Committees. Ms. Garbitt explained that this all began since there were so many people in the military serving on municipal boards and that was affecting quorums. The Selectmen decided to revisit this at a later date.

### **Discuss request to send letter of support to keep Taunton State Hospital open**

Ms. Garbitt stated that she had received a letter today from Senator Pacheco with a resolution in support of keeping Taunton State Hospital open. She spoke to Lakeville's State Legislators, and they are also in support of keeping Taunton State Hospital open. Selectman Maksy said that the State just built a new facility in Worcester, which is being underutilized. However, that should not mean that Taunton should be closed. It would be too long of a drive for someone to visit a loved one in Worcester. He was also concerned about people losing their jobs.

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

VOTED: To support keeping the Taunton State Hospital open and to authorize the Chairman to sign the letter of support.  
Unanimous in favor.

### **New Business**

Ms. Garbitt reviewed the Snow and Ice Deficit with the Board. She asked that the Selectmen vote to deficit spend for snow and ice for FY12. The deficit is \$9,200 right now. The Superintendent of Streets recently filled the sand and salt sheds, so the amount is probably more like \$13,000. If the winter holds out, these supplies could last until next year.

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

VOTED: To authorize deficit spending for Snow and Ice, pursuant to Chapter 44, Section 31 for FY12.  
Unanimous in favor.

Ms. Garbitt discussed the notice received from David Curtis, Chairman of the Cable Advisory Committee. The name that has been decided for the Community Access Corporation is

Lakeville Community Access Media. Mr. Curtis will call Peter Epstein tomorrow and provide him with the community access name and the officers' names. Jose Invencio will be the Treasurer, Donald Foster is the Clerk, and Robert Marshall is the President.

Ms. Garbitt said that a letter was received from a resident wanting to serve on the Conservation Commission. Currently they have six (6) members, and they can have up to seven (7). Pamela Rasa was moved up to a full member and Sara Kulakovich was appointed as an Associate Member. Selectman Maksy suggested that the opening stay on the website until the Conservation Commission tells the Board that they want their number to be at six (6). He noted that the opening was publicized in the Gazette. The person who submitted their letter of interest will be asked to come in and speak with the Board. Selectman Maksy said that when vacancies occur on the various Boards, Committees or Commissions, the Selectmen should be made aware of the vacancy, so that the vacancy can be publicized. It was suggested to do a survey of all the Boards, Committees and Commissions that the Selectmen appoint to inquire about attendance and vacancies. Selectman Maksy asked that Ms. Craig send out a memo regarding this.

*Frank Alvilhiera, Police Chief was present for the discussion.* Chief Alvilhiera stated that he was coming before the Board to discuss the staffing at the Police Department and the Lieutenant's position. He has come to realize that the Department is set up for a Lieutenant as second in command. This would be a non-union position. He is looking to fill the Lieutenant position. He has evaluated the staff of Sergeants and there are two (2) Sergeants who he feels would be qualified. Chief Alvilhiera felt that he would like to fill the position with Matthew Perkins. He has spoken to Sergeant Perkins, and he would be willing to work the next fiscal year at the pay rate of a sergeant. Selectman Maksy said to Chief Alvilhiera that he had created a position, and the Town really does not have the money to have this position returned. Chief Alvilhiera explained the staffing schedule presently in place. There are four (4) sergeants. They work a four (4) day on, two (2) day off schedule. If he filled the Lieutenant position, the Department would then stay at three (3) sergeants and one (1) lieutenant. He has checked with Labor Counsel, and there is nothing in the contract about having a sergeant on every shift. The shifts of 3:00 PM to 11:00 PM and 11:00 PM to 7:00 AM always have a sergeant on duty.

Selectman Maksy stated that he would rather have another patrolman on the street than to fill the Lieutenant's position. Chief Alvilhiera stated that he is having problems running the Department, partly due to the lack of staffing. There has been an added strain put on the Department from Kensington Court. The Department is down two (2) men from patrol. Selectman Maksy stated that before discussion took place about a new patrolman, the Board should have talked about this position instead. Chief Alvilhiera stated that the position would not cost money. It would save money with overtime. There would also be more flexibility with the Lieutenant. It was the consensus of the Board to not make a decision on the matter tonight, but to take it under advisement.

A brief discussion occurred regarding the Selectmen's representative on the Wage & Personnel Board, which is currently Chairman Olivier.

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

VOTED: To appoint Selectman Maksy to the Wage and Personnel Board.  
Unanimous in favor.

The Selectmen then reviewed the Priority List that was approved on January 24, 2011. Items on the list were marked either high priority, medium priority or low priority. Further discussion took place on the list and removing items or changing the priority. Items taken off the list included: Repair Roof (Town Office) Bridge Street Curb Cut at Route 105, Chapter 90 Road Repairs per Beta Group List, Teachers' Union Contract, Demographic Study for Business District, Reconstruct Bridge Street (given to the Superintendent of Streets); Update Earth Removal By-Law/draft template (possibly give to the Planning Board), and Betty's Neck Electric. The Part-time Planner was moved from medium priority to high priority.

### **Other Items**

1. Letter from Board of Health regarding 45 Loon Pond Road
2. Letter from Town Counsel regarding 5 Hilltop Acres Drive
3. Letter from Town of Bridgewater regarding Animal Shelter Contract and Donation of Surplus Van
4. Various memorandum on Municipal Law Topics from Town Counsel
5. Notice from Hinckley, Allen, Snyder regarding UCANE vs. Fall River
6. Letter from UMass Amherst regarding Keystone Training
7. Notice from MMA of Legislative Breakfast in Middleborough – February 24<sup>th</sup>
8. Comcast Form 1240 and Form 1205
9. Notice from Citizens' Housing and Planning Association of Intent to Sell 2 Agnes Way
10. Letter from Old Colony Regional Vocational Technical High School regarding Budget Subcommittee Meeting scheduled for February 8, 2012
11. Letter from Department of Housing and Community Development regarding Lakeville's Subsidized Housing Inventory

Ms. Garbitt stated that she has submitted all the necessary paper work to the Department of Housing and Community Development. The Town's inventory is at 6.59%. 200 more units have been built since the 2000 census. The Town will be only 31 affordable units away after the next 100 units have been built at Kensington Court. Selectman Maksy stated that he would like to call Jonathan White about whether this is the best use of the property.

At 9:55 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter into Executive Session and not return to open session to discuss strategy with respect to the Collective Bargaining Agreements with the Police and Fire Unions, because an open meeting may have a detrimental effect on the negotiating position of the Board, 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.

Polled vote of: Selectman Maksy – aye, Selectman Belliveau –aye, and Selectman Olivier – aye.