

TOWN OF LAKEVILLE
Selectmen's Meeting
February 28, 2011 -7:05 PM

On February 28, 2011, the Board of Selectmen held a meeting at 7:05 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 7:08 PM. Selectmen present were: Selectman Yeatts and Selectman Olivier. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow of the Middleboro Gazette was taping.

Review Notice of Intent to Sell – Chapter 61 Land – Doherty Property – 151 County Street

Chair Yeatts briefly explained the matter regarding the Doherty property. She read the letter from the Open Space and Recreation Committee into the record. The Open Space Committee recommended that the Town not act on its first-refusal option to purchase the Doherty County Street property. Some of their comments were: Natural Heritage does not include it in any of its priority/estimated habitat polygons and it is not on the Committee's priority list of parcels in need of protection. They recommended that the Board of Selectmen institute a policy of conducting site visits for properties being withdrawn from Chapter 61. The letter also noted that even if the Doherty parcel had been of significance to the Town, we could not have raised the funds within the 120 days. Had the Town voted to adopt the Community Preservation Act (CPA) a few years ago, funds would have been available. Before some very significant property presents us with this same decision, perhaps the Town needs to reconsider adopting CPA.

Ms. Garbitt said the roll back taxes for the property are \$2,545.17. She thought the amount for the taxes would be higher and is checking with the Assessors' Office on this. There is a Purchase and Sale Agreement for \$240,000, so why is there only a value of \$41,800? Ms. Grubb explained that you do not get a big tax break for Chapter land, but you do get more for Open Space so this certainly should be questioned. Selectman Olivier asked to send this back to the Board of Assessors for them to recheck. Ms. Garbitt stated that the Board can still exercise its right of first refusal.

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

VOTED: To not exercise the Town's Right of First Refusal regarding the property of Robert and Sandra Doherty on 151 County Street.
Unanimous in favor.

Review request to accept Deerfield Lane as a Public Way

Chair Yeatts said that the Board had received a request to accept Deerfield Lane as a Public Way. The road has to be at least two (2) years old before the Board can consider accepting it as a Public Way.

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

VOTED: To layout Deerfield Lane as a Public Way.
Unanimous in favor.

Review request of New Balance “Reach the Beach Relay” to utilize Lakeville roads – May 21, 2011

Chair Yeatts stated that both Dan Hopkins, Fire Chief and Frank Alvilhiera, Police Chief, have already signed the permit and approved the event. Ms. Garbitt asked that maybe some signs could be placed in the area where the runners will be running so that the neighbors are aware of the race. Cindy Dow will put a notice in the Gazette about the event.

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

VOTED: To approve the use of Lakeville Roads by New Balance for their “Reach the Beach Relay on May 21, 2011.
Unanimous in favor.

Request for Litter Lifters to use Tamarack Park for Annual Earth Day Event – April 16, 2011

Chair Yeatts stated that she had spoken with the Superintendent of Streets, and he said that a Highway truck will be there to assist during the Annual Earth Day Event.

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

VOTED: To authorize the Highway Department to provide a dump truck for the Litter Lifters Earth Day event on Saturday, April 16, 2011 from 9:00 AM through 12:00 PM.
Unanimous in favor.

Request from Lakeville Arts Council to use Town House for Craft Fair – June 11, 2011

Selectman Olivier stated that he did not see a waiver or Certificate of Insurance. Chair Yeatts explained that it is a Town entity and is covered by the Town’s insurance.

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

VOTED: To approve the request from the Lakeville Arts Council to use the Town House for a Craft Fair on June 11, 2011 from 7:00 AM to 6:00 PM.
Unanimous in favor.

Request from Mullein Hill Christian Academy to use Town Office Building for car wash – May 7, 2011

Chair Yeatts said Mullein Hill Christian Academy would like to use the Town Office Building for a fundraising car wash.

Upon a motion made by Selectman Olivier with Chair Yeatts stepping down to second and stepping back up to vote it was:

VOTED: To approve the use of the Town House on Saturday, May 7, 2011 for the Mullein Hill Christian Academy to hold a car wash fundraiser to raise funds for their class trip in May 2011.
Unanimous in favor.

Request from Fire Chief for appointments of additional Call Firefighters

Chair Yeatts read the request from the Fire Chief for the appointment of two (2) Call Firefighters.

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

VOTED: To appoint Brandon Rubeski as a Call Firefighter/EMT with a term expiration of July 31, 2011 contingent upon completion of a one year probationary period.
Unanimous in favor.

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

VOTED: To appoint Thomas Long as a Call Firefighter/EMT with a term expiration of July 31, 2011 contingent upon completion of a one year probationary period.
Unanimous in favor.

Review and vote to approve Selectmen Meeting Minutes of: October 4, 2010; October 25, 2010; November 8, 2010, November 22, 2010 and December 6, 2010

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

VOTED: To approve the Selectmen Meeting Minutes of October 4, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen Meeting Minutes of October 25, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen Meeting Minutes of November 8, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen Meeting Minutes of November 22, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen Meeting Minutes of December 6, 2010 as presented.
Unanimous in favor.

New Business

Ms. Garbitt mentioned the Department of Revenue letter from February 22, 2011. This is the second year that the Town will not be getting the Schedule A report done in time for our State Aid disbursement. If the report is not done by March 22, 2011, it may be held up. The Treasurer and Town Accountant are working to finalize all the records. This is an ongoing problem with Town Departments being short staffed. Selectman Olivier stated that this needs to be addressed. The report was due October 31, 2010. Why wasn't the Board notified that this was not delivered on time? Selectman Olivier stated that the Selectmen cannot help unless people communicate with the Board about what is going on. Ms. Garbitt stated that she will call Bob Nunes at the Department of Revenue and let him know that there are issues and that the Town is working on it. It should be ready so that State Aid is not held up. Selectman Olivier stated that an action plan should be put in place to make sure that this does not happen again. Ms. Garbitt stated that she is meeting with the Treasurer tomorrow to make sure that this is moving along.

Ms. Garbitt distributed an update on the Community Block Development Grant. That is the grant that Lakeville and Middleborough received jointly. Chair Yeatts stated that funds are still available for home repairs or emergency home funds, but the grant will be ending shortly. The grant is for the Clark Shores area only. Anyone meeting the eligibility requirements may be eligible for emergency funds.

Ms. Garbitt said an issue had come up regarding the renovations at the Ted Williams Commissary Building regarding inspection and permit fees from the Building Department. It has been requested that the Selectmen waive the fees for the project.

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

VOTED: To waive all fees for inspections and permits for the Ted Williams Commissary Renovation project.
Unanimous in favor.

Ms. Garbitt stated that the Board received a request for the Selectmen to review Leo Rousseau's petition to the Zoning Board of Appeals (ZBA) for the property at 167 Bedford Street. The hearing will be on March 17th. The Selectmen are not meeting again until March 21st and March 17th is Candidates Night. Chair Yeatts stated that she would like to write a letter in support of the petition. Discussion and review took place on the plans. Ms. Garbitt stated that she understood that Mr. Rousseau was only looking to use the front part of the property. Town Counsel has said the use has to be by Special Permit. However, looking at this plan, it looks like he is going to use the back and then he needs to go before the Conservation Commission. Chair Yeatts stated that even if he is paving the front area, he has to go before the Conservation Commission. Ms. Garbitt stated that the Building Commissioner said that the Planning Board and the Conservation Commission have to review this. Chair Yeatts stated that she did not think that the ZBA could act on it until the Conservation Commission reviews it. Ms. Garbitt stated that she will check to see if Mr. Rousseau is going to go before Conservation Commission. Chair Yeatts stated that she felt that Planning Board and Conservation Commission approvals seem necessary in this matter. The Selectmen would like to see the comments from the Conservation Commission and the Planning Board before the Selectmen comment. Ms. Garbitt stated that Mr. Rousseau will be going to the ZBA before the Selectmen are meeting again. Ms. Grubb pointed out that this is the old plan from 2006 from when the landscaping business was buying the property. Chair Yeatts stated that either way he will not get it done in one (1) meeting with the Conservation Commission. Ms. Garbitt suggested that the Building Commissioner should attend the ZBA meeting on the 17th. Ms. Craig stated that Mr. Rousseau was going to put in gravel in the parking area. He was not going to pave. Ms. Garbitt stated that the day Mr. Rousseau was here, he stated that he does not plan to make any changes to the property. He just wants to park some vehicles there. Chair Yeatts stated that if the vehicles have gas and oil in them, he still needs a sign off from Conservation, and they only meet once a month. Chair Yeatts stated that the Board cannot help him if he does not follow procedure.

Other Items

1. Thank you letter to Fire Department from Frederick Wardell regarding ice rescue
Chair Yeatts read the letter into the record. Mr. Wardell made a donation to the Fire Department as an indication of the family's appreciation.

2. Letter from Board of Library Commissioners regarding Library FY12 funding
Chair Yeatts stated that finally the Library received their waiver from the Board of Library Commissioners for FY11. They granted waivers for 121 communities out of 351 across the State.
3. Memo from the Open Space Committee regarding proposed rezoning-Bartlett property-Bedford Street
Chair Yeatts read the letter into the record from the Open Space Committee. The Open Space Committee feels that the rezoning of the Bartlett property is inappropriate at this time. They cited concerns regarding wetlands, the stream on the property that may support coldwater fish and the bridge crossing. Selectman Olivier stated that he would like to see some sort of map outlining these sensitive areas. Ms. Craig showed the Board some older Earth Removal plans for the property. Chair Yeatts stated that she thinks that the gravel was taken out before the house went in. Discussion took place on the plans with Ms. Grubb. She pointed out that most of the plans do not show the entire property since it was two (2) separate pieces before and now it has been combined. Chair Yeatts stated that the Board needs to see a nice clean plan of exactly what they are proposing. Ms. Garbitt stated that the Planning Board hearing is scheduled for March 15th; usually hearings are not scheduled until 8:00 PM or later. Chair Yeatts suggested posting the Selectmen for the Planning Board hearing.
4. Memo from the Open Space Committee regarding Island Terrace proposal
Chair Yeatts read the letter into the record from the Open Space Committee. The Open Space Committee is strongly opposed to the agreement to sell an acre of land to Island Terrace for their septic system. Some of their objections were: the Conservation Restriction on the entire property; no other fundraising efforts have been attempted for improvements to the Peach Barn; concerns on whether the State would be entitled to some of the funds from the sale; and that a Conservation Restriction be placed on another piece of property if the sale does occur.

Chair Yeatts then stated that no one knows the value of Betty's Neck better than herself. It took two (2) years out of her life to protect it. She is finding that with Open Space, they are against it before they will allow it. Open Space does not have all the information yet. She is upset when people take a negative attitude before all the facts are in. Ms. Grubb stated that part of the Open Space charge is to advise the Selectmen on the open space in Town. We have strong feelings about Conservation Restrictions. The Town has also started to approach the State on what would have to take place. We wanted to make sure that our feelings were public. The Committee is just trying to express our concerns with this. We are not saying do not do it. Chair Yeatts stated that the options provided are outrageous. Ms. Grubb stated that the Open Space Committee discussed it in their meeting and this is what the Committee wanted to do. The Conservation Restriction would have to be removed and altered. Chair Yeatts stated that it would be an amendment to the Conservation Restriction. Ms. Grubb pointed out that if you read the Conservation Restriction, it says it may be amended to strengthen it, not to weaken it. Chair Yeatts stated that the facts are not in as of yet of what we want to do, it may be strengthening it. Give her a chance to work on it and get the Committee all the facts.

5. Letter from Town of Kingston regarding Unfunded Mandates
6. Letter from EBS Foran regarding Group Health Insurance vs. Local Medical Benefits
7. Letter from Gaudette Insurance Agency regarding Provident Police & Fire On-Duty Accident Insurance

Selectman Olivier explained that Gaudette Insurance is the Town's carrier and they are getting out of the business of providing this type of insurance. Ms. Garbitt stated that she has already gone out to get quotes. She has received a request from VFIS and has asked them to give a quote to the Town. The Town's present agent is also looking to get other quotes as well. The contract will expire on June 30th of this year. Ms. Garbitt will keep the Board updated regarding proposals.

8. Letter from Pepsi regarding Pepsi Supports Surrounding Towns Program
9. Agenda for Gas & Electric Commission
10. Notice of Sustainability Forum – March 17, 2011 – Wheaton College
11. Notice of 33rd Annual Legislative Reception-Mass. Development Disabilities Council & The Arc of Massachusetts – March 2, 2011
12. Verizon 4th Quarter PEG Grant Report
13. Letter from Comcast regarding changes to certain digital cable packages
14. Letter from Comcast regarding price adjustments
15. Year End Report from Region

Selectman Olivier spoke on the accountant's report/auditors report for the Region. It seems that they got a qualified opinion, but there are a few things that he wanted to point out. On page 3, assets schedule and current liabilities, the total assets have gone down in 2009-2010 and the current liabilities have gone up. It does not hold well from a financial position. The current model is not working, and it is eroding into the asset phase and unless something is done to redirect that, it would not surprise him that the Regional School District will be in deep financial trouble. Selectman Olivier questioned on page 17, the revolving transfers for the copayments. Ms. Garbitt stated that they are not doing it now since the question has been raised. She believed it ended June 30th of 2010. Discussion took place on moving some money over to the GASBE 45 account since it will have more of a positive impact showing that the Region is serious about funding their liabilities. Ms. Garbitt stated that the Town has been reimbursed approximately \$65,000 for Medicare D over the past three (3) years. Selectman Olivier stated that it is not a big amount, but it makes a big impact to rating agencies. Ms. Garbitt agreed that it does have a positive impact. Chair Yeatts asked about the Community Recreation and Before and After School Programs. Is this money coming in? Selectman Olivier responded that it was. Discussion took place for further clarification.

16. Notice of RESC Meeting – March 8, 2011
17. Bi-Monthly Landfill and Transfer Station Inspection Report
18. Letter from MEMA regarding the Fire Mutual Aid Law

Chief Hopkins stated that when the ice storms occurred in western Massachusetts, there was a need for additional ambulances. Both Barnstable and Plymouth County sent one. The Fire Department received a stipend when the Fire Department first signed on for the MEMA program. Basically, what the Governor did was to take three (3) different Mutual Aid Laws and combine it into one. Ms. Garbitt stated that they are asking the Towns to accept these three statutes, but the 3rd one is not ready yet. Chief Hopkins will look into it and get back to the Board for their March 28th meeting. Chief Hopkins stated that it

also defines if you have to go over the State line, like to Rhode Island such as with the Night Club fire. It is to protect everyone's interest.

At 8:50 PM, upon a motion made by Selectman Olivier with Chair Yeatts stepping down to second and stepping back up to vote, on a unanimous roll call vote, the Board:

VOTED: To enter into Executive Session to conduct strategy sessions in preparation for negotiations with non union personnel and to discuss strategy with respect to collective bargaining with the Fire and Police Unions because an Open Meeting may have a detrimental effect on the bargaining position of the Board and not return to Open Session.

Polled vote of Selectman Yeatts – aye and Selectman Olivier – aye.