

**TOWN OF LAKEVILLE  
Selectmen's Meeting Minutes  
October 4, 2010-7:00 PM**

On October 4, 2010, the Board of Selectmen held a meeting at 7:00 PM at the Senior Center in Lakeville. The meeting was called to order by Chair Yeatts at 7:10 PM. Selectmen present were: Selectman Yeatts and Selectman Olivier. Selectman Maksy entered at 7:55 PM. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. James Cosgrove from Comcast was present to videotape the meeting for public broadcast. The camera was not working, so he left and returned with another camera. Only a portion of the meeting was taped. Cindy Dow of the Middleboro Gazette was also taping the meeting.

**7:00 PM Warrant Review-Special Town Meeting**

*Present for Warrant Review were Michael Petruzzo, Norman Orrall, Don Healy, Melissa Hopkins and Ted Bunn of the Finance Committee.* The Finance Committee Chairman called their meeting to order at 7:10 PM.

**Article 1:** To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2011 for various accounts in the General Fund, the Park Enterprise, Landfill Enterprise, and Water Enterprise, or take any action relative thereto.

Chair Yeatts read this article into the record. The amount of \$98,604 would be transferred from the Wage and Personnel Account. Ms. Garbitt clarified that this amount was put into the Wage and Personnel Budget for the raises voted on at the Annual Town Meeting. Right now, figures from the various Departments are being verified. Mr. Orrall stated that this was based on the Annual Town Meeting vote that increased all non union wages 1% and to continue with what previous negotiations for the Police and Fire Departments had agreed upon. Ms. Garbitt stated that the Police Department increase will be \$32,000 and the Fire Department increase will be \$21,000. This is per their contractual agreement. Chair Yeatts stated that 2011 has not been negotiated for the Fire Department. Mr. Healy asked if this includes the increased hours for the Assessors and will they still be closed the extra day during the week? Chair Yeatts responded that the Board tried to give the Assessor's Office the extra help, but they refused. Their office is still closed to the public on Wednesdays.

Mr. Orrall stated that there was the question of if there was enough money now to repair the culvert needed on Crooked Lane for about \$21,000 from the Reserve Fund. Chair Yeatts explained that the Town does not need to go to Town Meeting to take money out of the Reserve Fund. The account is for an emergency. The Board cannot anticipate an emergency.

Upon a motion made by Mrs. Hopkins; seconded by Mr. Healy it was:

VOTED: To recommend Article 1 in the amount of \$98,604.  
Unanimous in favor.

**Article 2:** To request that the Town of Lakeville vote to request for a hearing before the Lakeville Board of Selectmen regarding the suspension of Special Police Officer Bruce Malenfant. To be heard at the next Special Town Meeting.

Chair Yeatts read the article into the record. She asked if Mr. Malenfant was aware that the meeting was changed to the location of the Senior Center. Ms. Garbitt stated that he had been notified. Chair Yeatts will delay reading the statement until Mr. Malenfant shows up, if he does.

**Article 3:** To see if the Town will vote to accept Commercial Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled "Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010, or take any other action relative thereto.

Chair Yeatts read the article into the record. This article goes along with the next article. However, each article will be voted on individually at Town Meeting.

**Article 4:** To see if the Town will vote to accept Riverside Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled "Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010, or take any other action relative thereto.

Minor discussion took place regarding Commercial Drive. Mr. Orrall pointed out the fact that there is no crosswalk painted on Commercial Drive as of this evening. Selectman Olivier stated that the crosswalk that Christopher Peck, Superintendent of Streets, was concerned about was the one at the apartments, and that one is there.

Upon a motion made by Mr. Healy; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 3 to accept Commercial Way as a Town Way and to recommend approval of Article 4 for Riverside Drive to be accepted as a Town Way.  
Unanimous in favor.

**Article 5 :** To see if the Town will vote to accept Chrisjenn Brooke Lane as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Azor Land Sciences Inc. on file with the Town Clerk entitled "Road Layout and As Built Plan in the Town of Lakeville, MA dated August 20, 2008, or take any other action relative thereto.

Chair Yeatts said that the road has been inspected by Mr. Peck.

Upon a motion made by Mrs. Hopkins; seconded by Mr. Bunn it was:

VOTED: To recommend approval of Article 5.  
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 waive the reading of Article 6.  
Unanimous in favor.

**Article 6:** To see if the Town will vote to amend the Zoning By-Law by adding an Industrial-C Overlay District by: inserting new Section 3.1.10 as follows in Section 3.1, Zoning Districts; inserting new Section 3.2.9 as follows in Section 3.2, Location of Districts; and Section 7.9 as follows in Section 7.0, Special Regulations; or take any other action relative thereto:

**Section 3.1.10** Industrial-C Overlay

**Section 3.2.9** Industrial-C Overlay: for district designation, see Section 7.9.2.

## **7.9 Industrial-C Overlay District Regulations**

### **7.9.1 Title and Purpose**

The purpose of the Industrial-C Overlay District is to encourage and to authorize the development of large land areas for use as warehousing and distribution centers by means of an association of a variety of building types and uses, with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Lakeville generally. No land shall be re-zoned to be within the Industrial-C Overlay District unless it contains an aggregate land area of at least fifty acres.

The Industrial-C Overlay District is an overlay district superimposed over the underlying district(s). The Industrial-C Overlay District does not restrict the rights of owners that choose to develop any lot pursuant to the underlying zoning district. If a property owner elects to use the Industrial-C Overlay District for development purposes, the development shall conform to all applicable requirements of this By-law, including the requirements of any regulations or guidelines that may be developed to support this by-law. The provisions of the underlying zoning district(s), and the provisions of this By-Law generally, including bulk and dimensional requirements, shall apply within the Industrial-C Overlay District, except if inconsistent with the Industrial-C Overlay District regulations set forth below, in which case the provisions of the Industrial-C Overlay District shall govern over any conflicting zoning requirements of the underlying zoning district(s). This By-Law shall not prohibit uses permitted as of right or by Special Permit in the underlying zoning districts.

## **7.9.2 District Designation**

The Industrial-C Overlay District shall overlay the land shown as Assessors' Map 60 Block 7, Lots 1, 52, 53, 54, 55, and 56.

## **7.9.3 Permitted Uses as Principal Activities in the Industrial-C Overlay District**

Those uses permitted in the respective underlying zoning district(s), as well as the following uses, shall be permitted within the Industrial-C Overlay District:

- 1) Warehouse and Distribution Facility;
- 2) Business Offices.

All permitted uses are subject to Section 7.9.5, "General Regulations in the Industrial-C Overlay District".

## **7.9.4 Accessory Uses**

The following uses shall be allowable as accessory to the above principal activities:

- 1) Restaurant or Cafeteria, provided it is contained within an existing building used primarily for one or more of the permitted principal activities stated in Section 7.9.3 and not in a freestanding building by itself.
- 2) Parking and Access Drives for all permitted uses, as well as any and all utilities necessary to support such permitted uses, including but not limited to a Wastewater Treatment Facility.

## **7.9.5 General Regulations in the Industrial-C Overlay District – Applicable to Uses Permitted.**

**7.9.5.1 Minimum lot area** - shall not be less than fifty acres.

**7.9.5.2 Lot Coverage** – a maximum of 60% of the lot may be covered by structures, parking, and paved areas. For the purposes of determining lot coverage, properties in the Industrial-C Overlay District shall be exempt from the requirements of Section 5.2.2.1.

**7.9.5.3 Parking Lot Access** – The restrictions set forth in Section 6.5.1 regarding the maximum number of entry/exit points shall not apply to the Industrial-C Overlay District.

**7.9.5.4 Multiple Buildings on a Lot** – Within the Industrial-C Overlay District, multiple principal structures may be constructed within a single lot with site plan review.

**7.9.5.5 Site Plan Approval** – The applicant shall submit a site plan to the Planning Board in accordance with the requirements set forth in Section 6.7 of this By-Law. Where Section 6.7 is inconsistent with this Section of the By-Law, this Section of the By-Law shall control.

**7.9.5.6 Site Plan** Approval for a project with the Industrial-C Overlay District shall be conducted as a public hearing, and notice of the hearing shall be given to abutters. All costs associated with the notice and hearing shall be borne by the petitioner.

**7.9.5.7 Design Standards**

- a. A building height of up to 50 feet is permitted within the Industrial-C Overlay District, provided that appropriate restrictions and buffering requirements are set forth in a Development Agreement between the applicant and the Board of Selectmen on terms acceptable to the Planning Board.
- b. The applicant shall construct sound attenuation structures to minimize any noise generated by the proposed use, particularly where the proposed use abuts residential properties. Said structures shall be designed to be consistent in quality, color and design with the predominant materials of the building and landscape.
- c. If the proposed Site Plan includes roadways or fire lanes within the required setback of the underlying zoning district, the setback shall be increased to sixty feet for the front and rear yard setback and fifty feet for side setbacks.
- d. Loading docks, truck parking, outdoor storage, utility meters, HVAC units, dumpsters, trash compaction and other service functions shall be oriented to reduce the visual and acoustic impacts of these functions upon adjacent properties and public and private rights-of-way. Any screening materials shall be equal to and consistent in quality, color and design with the predominant materials of the building and landscape.
- e. Notwithstanding the requirements of Section 5.1, and 7.9.5.2, lot coverage may be increased to 80% if the applicant complies with the Design Standards of this Section including site and design requirements pursuant to Section 7.9.5.8.

**7.9.5.8** In connection with Site Plan approval for any project within the Industrial-C Overlay District, the Planning Board may incorporate, as a condition to such approval, site and building design requirements that have been accepted by both the applicant and the Planning Board and expressed in the form of a written contract or covenant between the applicant and the Board of Selectmen on terms acceptable to the Planning Board.

Mr. Healy of the Finance Committee recused himself at this time from the discussion. Gordon Goodfellow, Town Moderator, stated that he will ask that the first paragraph be read to give the general idea of what the article is about, and then the Board can waive the reading for the rest of the article at Town Meeting. The Finance Committee gave their personal remarks

about this article. Mr. Orrall stated that he went to the present Norton site at 3:00 AM one morning and noted that there is significant noise and light at the site at that time. He spent an hour there and heard the trucks with their air brakes and all the noise that took place. It is not something that he would want to live near, so in good conscience, he cannot vote to support the zoning change. Are we giving up too much in order to get what we perceive is an increased revenue now since we fear the future of never getting another business there? He then drove around Lakeville's Industrial Park and noticed that it is dead quiet at that time of the morning. With the economy, businesses may be slower, but also the Walgreens' area is still quiet at 5:00 AM. More information was provided by Mr. Orrall about the areas of Town that will be and will not be affected by Sysco coming into the Town. He was for the development up until this point. If the Town is going to get revenue in, and we are not going to control spending, then that is another concern. The Town needs to control spending since bringing revenue in is not always the answer to the budget shortage.

Chair Yeatts stated that Sysco has been in Norton for 31 years. The surrounding homes were built after Sysco built their building, so there was no mitigation for noise or traffic or anything initially when Sysco was built. The company has taken into consideration setbacks, traffic flow and noise mitigation. They are taking things into consideration that they never had to do in Norton since they were there before the houses were built. The Town designed the Master Plan thinking that National Development was coming in and had designated that area of Town for where business should be located. But, as with any plan, if it does not work, you make a new plan. She really believed that this plant will be different than the plant in Norton. A lot of the things that are outside the building now will be inside. They are also going to clean up the site. That is very important since it is very expensive. They cannot even sell the bricks located at the site, since what the initial builder used to mortar the bricks is now considered hazardous. Mr. Orrall provided information about how the area may be allowed to be capped or contained.

Frank Sterrett of 5 Crest Drive said he applauded Mr. Orrall for going to the Norton site at 3:00 AM. If you Google map, Sysco, Norton, MA to get the satellite view, you will see it is basically surrounded by woods. The Lakeville site is open, there are different layouts. Also, most of the trucks are in back toward the railroad track on the north side. We are in the back where all the action is on Crest Drive and Captain's Way and the trailer park. There are all kinds of houses around Sysco in Norton, but that is not their active side. Selectman Olivier asked Mr. Orrall, in the event that Sysco was able to handle the sound and provided the correct lighting, and there was a plan for the finances to turn the tide the other way so that we would not have to go looking for another Sysco to change the face of Lakeville, how would you feel about it then. Mr. Orrall responded that that is too much of a hypothetical question, so he could not answer that. Based on what he has observed, you may see a wild animal and want to make it pet, but wild animals are not meant to be pets. Sysco in the proper setting, yes, it is a great company and seems to have great jobs too. But when it comes down to it, can it be tamed? He was not convinced that it can be. He thought to fix the budget, you needed to address the spending side of it. To concentrate on the income end for me, it is a difficult choice to make. We will soon be back to needing more input if we are only attacking the income and not the spending side of things. Selectman Olivier stated that he is concerned also with the spending and the sustainability of the Town. You need to be very aware of what you are going to spend the money on. We hope to put it in the Stabilization Account. We are not concentrating on wages, but concentrating on paying down

the debt so that when we need to buy necessary items for the Town, we have the money available. Chair Yeatts stated that she had asked Selectman Olivier to run for the Board for this very reason. He is very good with finances. She did not see the Town going anywhere but down since the economy will not turn around overnight. We have been doing more with less, but that is as far as personnel. There are things that you need to take care of in the Town in terms of equipment and infrastructure. Mr. Orrall stated that this has become a very significant issue and as this goes forward, we cannot forget the residents who live in this area if the zoning change is approved. We need to stand with them, support them in site plans, negotiations, etc. He wants to see what is best for all of Lakeville.

Chair Yeatts stated that the Board has also received quite a lot of input from the neighbors. The Selectmen are waiting to see what the various attorneys say on the various issues. The Board is also trying to incorporate more into the Development Agreement. Mr. Bunn stated that he has also thought long and hard on this matter as well. It is important that we think about change, but we also need to look at the schools and the infrastructure. We should also look at the positives, like the tax revenue. We need to look at the commitment for noise mitigation, etc. They seem to have an understanding of the issues, and there seems to be some opportunities there. Mrs. Hopkins stated that she understands what Mr. Orrall is saying, but with all the years that site has been vacant and with what Sysco will do, it is a better opportunity than having a Chili's with drinking and late hours. As long as we show concern for the neighbors, then she would support Sysco. Mr. Petruzzo stated that he thinks by and large this is a positive step, given the ability the company has to manage what they are doing during the construction phase and mitigation for the noise. It may not eliminate all the noise, but they are trying to do their best in reducing it.

A resident from Woodview Drive asked if the overlay is approved that would be industrial, we could have a demolition business go into that site. If the overlay is approved and if Sysco does not happen, then the zoning is there. He wanted to make sure that people are well aware of that. A demolition company could not go in with the mixed use zoning in place, but could if this overlay is approved. Chair Yeatts explained that a different company would have to go through all the same processes, and the Boards could recommend against it. The mixed use zoning and the residential zoning is still there.

A resident from West Vaughn Street said he moved to Lakeville since he felt that it was the right place for their family with the charm of the Town and being close to Route 495 for work. We have lived everywhere from here to New York and have seen it all. If he contaminated his property, he would be accountable for that, so what have we done to the current owner to hold them accountable. They bought a site and they should take care of the site. To me it does not make sense that we do not hold them accountable. His family lived in North Kingston, R.I., before and it has gone through extensive changes. The State was responsible for the development of some property in North Kingston. They felt that it was a great economic idea to develop the site, but the bottom line is that it did affect the residents very much and people have moved out of the area due to the construction alone, then the increase in traffic and the increase in people. This is like a square peg going into a round hole. It seems that there should be another location to put this in than near the residents. The bottom line is that it will affect the people in this area forever. Selectman Maksy explained that it was the Commonwealth of

Massachusetts that contaminated the site. They did it prior to laws that are in place now. The new owners did take it over, but they are not required to clean it up. We do not have any authority to have them go in and clean it up. Our job is to find someone to take care of this for us. There is no trigger mechanism to require them to clean it up. Mr. Sterrett said it was his understanding that the State is somewhat on the hook for the cleanup? Selectman Maksy responded no, the current owner is. They were notified of a 21E issue on it and National Development knew what they were getting into and so does Sysco. Lynn Huntoon asked why we are not forcing them to do something. Chair Yeatts responded that is not the purview of the Board.

Upon a motion made by Mrs. Hopkins; seconded by Mr. Bunn it was:

VOTED: To approve Article 6.  
In favor 3, Oppose 1, Absent 1

Mr. Goodfellow was concerned about space issues and stated that if space runs out to put people, the meeting will have to be rescheduled. Chair Yeatts stated that there will also be two (2) sign language interpreters. Mr. Goodfellow suggested that for security reasons, the Police should be there as well. Ms. Garbitt stated that she has checked when the school is available if there is a need to continue the Town Meeting. Selectman Olivier stated that he understood that the front row needs to be kept open for anyone needing sign language, but if someone has a statement, maybe there should be seating in the front provided for them. Mr. Goodfellow stated that they just have to get there early. If you start making space available for some, then you have to make it for everyone. People in other rooms will have to come into the auditorium to speak so there will be lines. The Town Clerk is prepared for an Australian ballot, which is a secret ballot. If Town Meeting decides to have it, there will be two (2) voting booths, and people will rip their cards in half and put one in the ballot box and the other in the rubbish and then people will be provided with a new color. Town Meetings do not like secret ballots, and you would have to present a good explanation to do this.

**Article 7:** To see if the Town will vote to amend the “Agreement between the Towns of Freetown and Lakeville, Massachusetts with Respect to the Formation of a Regional School District,” most recently amended in 2001, to create a PK-12 Regional School District, including, but not limited to, the establishment of the manner of nominating and electing members of the Regional School Committee, establishment of a Regional Finance Committee, the location and leasing of schools in both Towns, the apportionment and payment of costs incurred by the District, student transportation responsibilities, admission of additional towns, withdrawal from the District, termination of the Agreement, and the incurring of debt, all as on file with the Town Clerk, or take any other action relative thereto:

Mr. Orrall stated that he would like to know where the information is and why has it not been provided yet. He has been asking for it since September 26<sup>th</sup>. Ms. Garbitt responded that she had called the Superintendent of Schools and they are still working on the numbers. He will have it by October 12<sup>th</sup> when they have their presentation. Mr. Orrall stated that this does not give people the opportunity to look at it, find out what the specifics are and for the press to report on it. Chair Yeatts stated that there have been numerous meetings on Regionalization for over a

year now. Selectman Olivier stated that he recalled this same question taking place. He has also asked that the School Department put all three (3) budgets (both Locals and the present Region) together and show what it will look like, since it will gain some efficiencies of scale. Mr. Orrall stated that that is exactly along the lines of what he has been asking for. Mrs. Hopkins stated that she has also asked for this information from the Superintendent. Mr. Healy stated that one would think the numbers would pretty much be in stone by now, since Town Meeting is in two (2) weeks. Selectman Maksy pointed out that they do not know what the State Aid or Transportation figures are, so the numbers will not be exact or etched in stone. Mr. Healy stated that they should provide something rather than nothing. Mr. Bunn stated that some kind of comparison of what it might look like should be provided. Chair Yeatts explained that she has to give some credit to the new Superintendent, since the Selectmen have been getting information since he has come on board. With previous Superintendents, she has had to send them letters stating that it is public information and the request should be provided. Selectman Olivier stated that if the Superintendent does not show that this will work positively, he will not be supporting the article. Further discussion took place on the topic, and the information which has not been forthcoming.

David Davenport, Local School Committee Member, stated that the Board asked the Superintendent for best case and worst case scenario just after Labor Day. Another month has gone by. The subcommittee wrapped up its work in May and handed over the new agreement. At the last School Committee meeting for that year, the response to the comment was that it would be worked on over the summer. The financial scenarios will be the number one priority. He was asking for the same thing that Selectman Olivier was asking for, and we do not have it. The request is for a financial document that is supposed to drive educational change. Where is the finances that drive it? Maybe the information is not coming since it is best that it be general, since it may hurt the High School and so you may risk losing one side of the constituents. At some point a deadline has to be recognized. Chair Yeatts said there will be a presentation on Tuesday night; the Finance Committee should post for that night as well. Further discussion ensued on the matter.

Upon a motion made by Mr. Orrall; seconded by Mrs. Hopkins it was:

VOTED: To recommend against full regionalization until such time that the information can be made available to make an informed decision.  
Unanimous in favor.

Ms. Garbitt stated that she has emailed the School Department and was told that they are working on it. She will let them know about the vote that was just taken. Selectman Olivier noted that there have been two (2) suggested changes since the last go around. The Town Accountant asked for more information to be put in. Selectman Olivier had requested for internal controls to be put in place to provide that documentation. Freetown had voted to approve the agreement before those changes. Ms. Garbitt stated that she did forward this to the Freetown Selectmen's Office and also spoke with Jean Fox. They may use the same wording on their warrant as Lakeville will use.

Chair Yeatts then returned to Article 2 and read the statement that was prepared by Town Counsel into the record:

*Statutory provisions governing petitioned warrant articles require the inclusion on the warrant of any petition that meets the statutory requirements, even if the article is legally defective, or beyond the purview of Town Meeting. Town Counsel has indicated that personnel matters, such as the appointment or non-reappointment of personnel, are within the purview of the executive branch of government, in this case the Board of Selectmen, and not within the authority of the legislative branch Town Meeting. Therefore, an affirmative vote of the Town Meeting on this article is beyond Town Meeting authority.*

*The Board of Selectmen has considered Mr. Malenfant's request for a hearing on several occasions. It is the opinion of both Labor Counsel and Town Counsel that Mr. Malenfant is not entitled to such a hearing. Mr. Malenfant was an at-will Reserve Police Officer, who has no entitlement to either the position or assignment to details.*

Upon a motion made by Mr. Orrall; seconded by Mr. Healy it was:

VOTED: That no action was needed on Article 2.  
Unanimous in favor.

#### Request to use Town House-Lakeville Arts Council

Chair Yeatts read the request from the Lakeville Arts Council to use the Town House on December 11, 2010.

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

VOTED: To approve the request of the Lakeville Arts Council to use the Town House on December 11, 2010 as part of their "Made in Lakeville" Event and to approve the signage as requested in their letter.  
Unanimous in favor.

#### Vote to approve State Election Warrant

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

VOTED: To waive the reading of the Election Warrant.  
Unanimous in favor.

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

VOTED: To sign the Election Warrant for November 2, 2010.  
Unanimous in favor.

**Vote to accept resignation of Darryl Bernier from the Open Space Committee**

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

VOTED: To accept the resignation of Darryl Bernier from the Open Space Committee and to send a letter of thanks.  
Unanimous in favor.

**Vote to accept resignation of Darryl Bernier from Energy Advisory Committee**

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

VOTED: To accept the resignation of Darryl Bernier from the Energy Advisory Committee and to send a letter of thanks.  
Unanimous in favor.

Ms. Garbitt stated that she would send a memo to the Park Commission asking for a replacement member for each position.

**Review Zoning Board of Appeals Petitions: Vermette; Betts/Peck; Conway; and Davis**

The Board reviewed the Vermette Petition for the property located at 43 Shore Avenue. Chair Yeatts said the house was destroyed in the flood, and they would like to demolish the existing home and build a new dwelling. She did not see any issues with the petition. The Conservation Commission and the Board of Health have both reviewed the petition. A final sign off from the DEP is required. It was the consensus of the Board that there were no issues with the petition, except that it is subject to Planning Board review.

The next petition reviewed was the Betts/Peck Petition for 5 Waterview Drive. They want to demolish the existing two (2) bedroom dwelling and replace it with a two (2) bedroom dwelling. The lot size is 7,300 square feet. The Conservation Commission and Board of Health have not commented. It was the consensus of the Board that there is a lack of information, so they cannot make a recommendation.

The Board reviewed the petition of New England Sign Services, Inc. for the property located at 10 Main Street. Chair Yeatts stated that they are widening the road so the sign is now non-conforming. Selectman Maksy pointed out that the sign is grandfathered in. Selectman Olivier stated that the sign must be moved back since the road is coming up so close. Chair Yeatts stated that it is a hardship created by MassHighway.

The Board reviewed the petition of Davis for the property located at 113 Nelsons Grove Road. It was felt that there was a lack of information for the Board to make a recommendation.

**Review and approve Selectmen's Meeting Minutes: September 15, 2010**

Chair Yeatts reviewed several changes, which she would pass along to Ms. Craig.

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

VOTED: To approve the Selectmen's minutes of September 15, 2010 as amended.  
Unanimous in favor.

### **New Business**

Chair Yeatts read a memo about the Ed Rand radio show. The host is asking for someone to speak on the show since his show's time has been increased. He would like someone to call in and give a report from the previous night's meeting. The conversation can take anywhere from 15-30 minutes. It was decided that Chair Yeatts would be the contact for the time being.

Chair Yeatts stated that she went to the Arts Festival. She stated that the Board should send the Arts Council a congratulations letter since it was a fabulous event. There were many, many people having a fun time. The music was really good and it was very organized.

### **Any other business that may properly come before the meeting**

Ms. Garbitt announced the dates that the School Superintendent would be at the Library with his presentation regarding Full Regionalization. One date is October 12<sup>th</sup>. Carolyn Gomes (School Committee member) asked to have that information posted on the community sign as long as there is enough room. There was unanimous consent by the Board of Selectmen to put up the Regionalization presentation dates. Ms. Craig will put up the regionalization meeting dates until the 12<sup>th</sup>, then the 13<sup>th</sup> she will put up the Special Town Meeting notice.

### **Other Items**

1. Letter from Attorney General regarding CVS Pharmacy Settlement  
Chair Yeatts noted that a letter went to the Superintendent of Schools regarding \$3,525.56 that the Town is getting and the letter went to the Schools. The Town is getting the money so why did the letter go to the Schools. Ms. Garbitt responded that it may be regarding the Medicaid reimbursement for prescriptions for Special Education students that are under that program. Selectman Maksy pointed out that the letter says it is Worker's Compensation insurance. Ms. Garbitt stated that the Local School reimbursement would come to the Town. Selectman Maksy asked to have the Town Accountant follow up on this.
2. Memo from Town Counsel regarding Important Decision Addressing Snow and Ice Removal on Municipal Premises  
Chair Yeatts asked that this memo be forwarded to Chris Peck.
3. Bridge Inspection Report – Bridge Street/Nemasket River
4. Bridge Inspection Report – Malbone Street/Cedar Swamp River  
Selectman Olivier asked about both of the Bridge Inspection Reports. It seems that the Nemasket Bridge is worse than the Malbone Street Bridge, but it is mainly some nuts and bolts that are missing. What does the Town do now? Selectman Maksy responded that it is up to the Department of Transportation to fix it. This is just putting the Town on notice.

5. Information on South Coast Rail Corridor Plan release

Chair Yeatts asked to forward this to Linda Grubb. Ms. Craig explained that this came from Linda Grubb. Chair Yeatts stated that she felt that the Town Administrator or one of the Selectmen should attend along with members of the Open Space Committee. Selectman Olivier volunteered to attend.

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

VOTED: That the Open Space Committee participate in the TDR as long as they keep the Board of Selectmen informed.  
Unanimous in favor.

6. Notice of Greater Attleboro/Taunton HOME Consortium meeting-October 28, 2010

7. DOR Training Program Notice-Assessors Course 101

Selectman Olivier asked what the certification requirements are for the Assessors. Chair Yeatts stated that they are elected officials. Selectman Olivier asked about the employees? Chair Yeatts asked for Ms. Garbitt to check into all the certifications for the employees and Assessors.

8. DOR Informational Guideline Release-Municipal Tax Amnesty Program

9. Municipal Right of Way Course Brochure

10. Letter from Comcast regarding change of date for rate filings

11. Notice from Verizon regarding program changes

At 9:10 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier the Board unanimously:

VOTED: To enter into Executive Session and not return to Open Session to discuss strategy with respect to litigation and collective bargaining, specifically the Board will discuss potential litigation and the Fire Collective Bargaining Agreement, and the Executive Session is because an open meeting may have a detrimental effect on the Board's litigating and bargaining position.  
Polled vote of Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Yeatts – aye.