

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
July 26, 2010 – 7:00 PM

On July 26, 2010, 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 7:01 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Meet with Chris Peck to discuss:

Surrey Drive Drainage

Robert Mahoney of 18 Surrey Drive and Christopher Peck, Superintendent of Streets, were present for the discussion. Mr. Mahoney explained that there is a drainage basin in back of his yard, and the water has gotten very high. There are commercial businesses that have storm drains that come off of Rhode Island Road, Talbots, IBEW, the dancing school, etc. Mr. Peck stated that when there are heavy rains, the water all comes into Talbot's storm basin and then empties into the drainage basin behind Mr. Mahoney's house. There is a report that was done by Talbots in 2005-2006, and it indicates that it is not Talbots fault for all the water. The water was coming from other properties due to them tapping into their drainage. Discussion did take place with a Mr. Kimbel, but this did not bring any solutions. The question is how to proceed. The water is affecting Mr. Mahoney. Mr. Peck stated that in his opinion it would be a civil matter if the water was coming from other properties, but it is unclear how to make a determination one way or the other. Mr. Mahoney said if there was a way to drain the basin, then that might help the problem.

Chair Yeatts asked if it is hydrologically connected to the cranberry bog. Mr. Peck responded that it was once able to feed into Bass Pond prior to the building of Surrey Drive. Mr. Mahoney stated that Charles Elders Drive also pitches back and goes into his driveway. Ms. Garbitt added that Mr. Mahoney's house is below the elevation of Surrey Drive. Mr. Peck indicated that it is the culmination of all the businesses; it is not just from one. Chair Yeatts stated that she would like to try and find the report from Talbots and read what they determined. Selectman Olivier stated that he would like to read the report and to also take a walk out there. Mr. Mahoney showed pictures to the Board of the flooding. Selectman Maksy suggested that when the walk takes place, the Board should also invite someone from the Planning Board and the Lakeville Development Corporation (LDC). Mr. Peck mentioned that there are also many little lots that dump into the basin through Charles Eldridge Drive. The basin itself has a hole in the wall and needs to be extended all the way up. It is either Mr. Mahoney's and/or Talbots' property that it is on. A catch basin could be put on Mr. Mahoney's property and tie it into the basin. It would then go to Bass Pond, but it depends if the elevation is there to do that. Mr. Mahoney explained that when it does flow, it is pumped out of the yard and onto the street and it goes down no problem. My yard is a pond when this breeches. It also happens if the ground is frozen, and it cannot seep in. The street takes it down into the storm drains. Mr. Peck stated

that he could tie in a drain from the back yard to the street. It is not standard practice to do this, but since it is not known where the water is coming from, it would be best to do that.

A site visit will take place at 8:00 AM on July 28, 2010. Input will be gathered from the LDC and the Planning Board. Mr. Peck and Selectman Olivier will go on the site visit. That was fine with Mr. Mahoney.

Update on Crooked Lane

Mr. Peck stated that currently the dirt part of Crooked Lane is closed. A culvert washed out so it had to be closed. It will be a big project to replace it; it was an old stone culvert. When there was a fire on Bedford Street, the traffic was re-routed, and the traffic wore down the dirt on the culvert.

Update on gasoline recovery-Highway Barn

Mr. Peck stated that the Town has been under contract with the Beta Group regarding the cleanup at the Highway Barn. Essentially, the Town needs to hook up three (3) homes to the water main. Discussion needs to take place with the homeowners to determine who would like to hook up. The DEP may require them to hook into Taunton water. Al Hansom from CDM is looking into this. Chair Yeatts stated that the Board should follow up with their contacts at DEP since they have been following this with the Town. Mr. Peck stated that the Town should also keep Beta Group in the loop. The good news is that this is moving forward and it is coming to an end.

TIP Project Notification Form to reconstruct from the Intersection of Precinct Street/Route 79 to the relocated Route 79

Mr. Peck explained that this is the Project Notification Form (PNF) for Rhode Island Road to get it from Precinct Street to Bedford Street and get it on the TIP. The reason it was split into two (2) smaller projects is that it will have a better chance for the TIP. There is a contract for BETA to do the coordination with the Town, traffic counts, etc. There is also a process that Mass DOT wants to take place. Ms. Garbitt asked if later they will do Bedford St. to the relocation of Route 79. Mr. Peck responded yes. Chair Yeatts stated that she would like to see how storm water management is going to work on the relocation. There is a broken part of the pavement at the end of Route 79, and the dirt washes out and has to be filled in after heavy rains. Mr. Peck stated that Route 79 ends there, and it will not be on Mass Highway's list anymore. The Town can do some berm work if necessary. Ms. Garbitt asked if the Town has to rename it. Mr. Peck responded that the Town will figure that out when necessary. Selectman Olivier would like to read the contract first and get comments back to Ms. Garbitt, and then she will forward to Town Counsel.

7:15 PM Meet with Cable Advisory Committee regarding the Request for Proposal from Comcast

Donald Foster was present for the discussion. He stated that the Town is in the midst of the license renewal for Comcast. The Committee has completed several portions of the project and

the next step is the recommendation to request a draft license from Comcast so that the Committee can begin the intense discussions with them over the details of the license. In the past, it has been an intense process and tedious, however, it is anticipated that this time it should not be as wearisome. The contract expires in January. Selectman Maksy thanked the Cable Committee for all their work.

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

VOTED: To request the first draft renewal license from Comcast.
Unanimous in favor.

Review and vote to make Annual Reappointments

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

VOTED: To make the following one (1) year Police Department appointments with terms to expire July 31, 2011:

Ryan Maltais	Police Officer & Constable
John DeMoura	Reserve Police Officer
Susan Conway	Reserve Police Officer
Joseph Crowninshield	Reserve Police Officer
Patrick Curneen	Reserve Police Officer
John Vickery	Reserve Police Officer
John Taylor	Reserve Police Officer
Judith DeMoura	Matron
Kristen J. Campbell	Matron
Lori Wrightington	Matron
Corrine Darling	Matron
Frank Alvilheira	Keeper of the Lockup
Steven Leanues	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver
Thomas Robinson	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver

Unanimous in favor

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

VOTED: To appoint Steven Leanues and Matthew Perkins as Constables for terms to expire July 31, 2012.
Unanimous in favor

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

VOTED: To appoint Kyle Barratt, Christopher Carmichael, Jared Darling, Nathan Darling, John Parlatore, and Joseph Sargo as Call Firefighters for terms to expire

November 30, 2010; David DeBest as Call Firefighter Captain for a term to expire November 30, 2010; and Kyle Gerrior and Glen Edington as Call Firefighters for terms to expire January 31, 2011.

Unanimous vote.

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

VOTED: To appoint Paul Bourgeois and Robert Whalen, Jr. as Alternate Building Inspectors with terms to expire July 31, 2011.

Unanimous in favor.

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

VOTED: To appoint Nathan Darling as Assistant Building Inspector with a term to expire July 31, 2011.

Unanimous in favor.

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

VOTED: To appoint Waltraud Kling and Yvonne Capella as members of the Board of Registrars with terms to expire July 31, 2013 and Lillian Drane as Associate Member with a term to expire July 31, 2011.

Unanimous in favor.

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

VOTED: To make the following appointments as members of the Cable TV Advisory Committee with terms to expire on July 31, 2011: Donald A. Foster; Thomas Cirignano; David J. Curtis; James Longo; Sherri Colucci; Robert Marshall; and James A. Curley, Alternate.

Unanimous in favor.

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

VOTED: To make the following appointments to the Capital Expenditures Committee with terms to expire on July 31, 2011: Steve Olivier; Rita Garbitt; David Morwick; Michael Petruzzo; and Scott Sweet.

Unanimous in favor.

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

VOTED: To make the following appointments to the Conservation Commission with terms to expire on July 31, 2013: Joseph Chamberlain; Martha Schroeder; Emery Orrall as members and Pamela Rasa, Associate Member with term to expire on July 31, 2011.

Unanimous in favor.

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

VOTED: To make the following appointments to the Council on Aging with terms to expire on July 31, 2013: Vivian Lee; Dorothy Marvill; Mildred Fitting; Robert Brady; and Arlene Bowles.
Unanimous in favor.

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

VOTED: To make the following appointments to the Emergency Planning Committee with terms to expire on July 31, 2011: Daniel Hopkins; Frank Alvilheira, Jr.; Christopher Peck; Rita A. Garbitt; Robert Souza; Nancy Yeatts; William Garvey, Jr.; Cindy Dow; Marilyn Mansfield; John McCarthy; Richard Velez; David Goodfellow; Robert Iafrate; and Richard May.
Unanimous in favor.

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

VOTED: To appoint Daniel Hopkins as Emergency Response Coordinator with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To make the following appointments to the Energy Advisory Committee with terms to expire July 31, 2011: Derek Maksy; Donald Foster; Robert Iafrate; Darryl Bernier; Pamela Rasa; Kathleen Barrack; Larry Simpson; Suzanne Amos; Stephen Durfee; Richard Velez; Walter Healey, Jr.; Rita Garbitt; William Garvey, Jr.; and Tara Martin.
Unanimous in favor

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

VOTED: To appoint Donald Healy to the Finance Committee with a term to expire April 4, 2011.
Unanimous in favor.

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

VOTED: To appoint Derek A. Maksy as Ad Hoc Representative to the Middleborough Gas & Electric Commission for a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To make the following appointments to the GATRA Advisory Board with terms to expire July 31, 2011: Robert Brady, Delegate and Carl Asbury, Alternate Delegate.
Unanimous in favor.

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

VOTED: To appoint Daniel Hopkins as Hazardous Waste Coordinator with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint the following as members of the Historical Commission with terms to expire on July 31, 2013: Brian Reynolds, Geraldine Taylor; Kathleen Barrack and appoint Delia Murphy and Felicia Carter as Associate Members with terms to expire July 31, 2011.

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

VOTED: To appoint Albert Mason as Labor Counsel with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint the following as members of the Lakeville Arts Council with terms to expire July 31, 2013: Richard Tripp, Robin Fielding and Yvonne Capella.
Unanimous in favor.

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

VOTED: To appoint Daniel Hopkins as Director and Nancy Yeatts as Deputy Director to the Lakeville Emergency Management Agency with terms to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint the following as members to the Master Plan Implementation Committee with terms to expire on July 31, 2011: James F. Rogers, II; Rita Garbitt; Rodney Dixon; Robert Mello; Derek Maksy; Robert Iafate; and Edward Bunn.
Unanimous in favor.

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

VOTED: To appoint Daniel Hopkins as Municipal Coordinator Right to Know with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Frank Alvilheira, Jr. as Municipal Hearings Officer with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Daniel Hopkins as the NIMS Coordinator with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Robert Brady as Delegate and Carl Asbury as Alternate Delegate to the Old Colony Planning Council Area Agency on Aging Advisory Committee with terms to expire on July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Marilyn Mansfield to the Old Colony Elderly Services Board with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint the following as members of the Open Space Committee with terms to expire July 31, 2011: Donald Foster; Brian Reynolds; Martha Schroeder; Linda Grubb; Darryl Bernier; Joan Morton and Michael Renzi.
Unanimous in favor.

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

VOTED: To appoint Derek Maksy as Parking Clerk with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Jon Catalano as Plumbing and Gas Inspector and Frederick A. Parmenter as Assistant Plumbing & Gas Inspector with terms to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To make the following appointments to the Police Station Design Committee with terms to expire on July 31, 2011: Frank Alvilheira, Jr.; Matthew Perkins; Christopher Peck; Robert Iafrate; David Morwick; Jon Catalano; Rita Garbitt; Daniel Hopkins; Kevin St. George; Nancy Yeatts; Tim LaChapelle; and Paul Bourgeois.
Unanimous in favor.

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

VOTED: To appoint the following to the Rent Control Board with terms to expire on July 31, 2011: John Cataldo; Paula Beech and Donna Glidden.
Unanimous in favor.

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

VOTED: To appoint David Enos as Sealer of Weights & Measures with a term to expire on July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Robert Iafrate as Smart Growth Reporting Officer with a term to expire on July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Linda Grubb to the Southeastern MA Commuter Rail Task Force with a term to expire on July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Rita Garbitt as Storm Water Management Coordinator with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint Linda Grubb to the SRPEDD Regional Open Space Committee with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint the following to the Ted Williams Commissary Renovation Committee with terms to expire July 31, 2011: Darryl Bernier; Daniel Hopkins; Curtis Richmond; Richard Fickert; Linda Grubb; William Garvey, Jr.; Rita Garbitt Charles Evars Jr.; and Derek Maksy.
Unanimous in favor.

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

VOTED: To appoint Kopelman & Paige as Town Counsel with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint George Orrall to the Town Forest Committee with a term to expire July 31, 2013.
Unanimous in favor.

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

VOTED: To appoint Christopher Peck as Tree Warden with a term to expire July 31, 2011.
Unanimous in favor.

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

VOTED: To appoint the following to the Water Study Board with terms to expire July 31, 2011: Patricia Welch; Robert Bouchard; Nancy Yeatts; Terrence Flynn; William Garvey, Jr.; Colleen Sheerin and Edward Barrett, Jr.
Unanimous in favor.

Discussion took place regarding the Zoning Board of Appeals appointments regarding the attendance rate of the members. Selectman Maksy pointed out that it is very important that members attend all meetings so that they are aware of the history of the petitions.

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

VOTED: To appoint the following to the Zoning Board of Appeals with terms to expire July 31, 2013: John Veary, Jr. and Joseph Beneski and the following as Associate

Members with terms to expire on July 31, 2011: Carol Zimmerman; John Olivieri, Jr.; and Joseph Urbanski.
Unanimous in favor.

Discussion took place regarding the Inspector of Wires appointment. A letter was read into the record from Robert Iafrate, Building Commissioner stating that he did not want to make an appointment for that position at this time. Selectman Maksy asked if the Building Commissioner will re-advertise the position. The Town should put an assistant or an alternate in that position. He suggested to re-advertise and be more specific that the person meets the requirements of the Town.

Review and vote on End-of-Year Transfers

Ms. Garbitt then went over the End-of-Year Transfers with the Board. She stated that the Finance Committee Chair will also need to sign off on the transfers.

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

VOTED: To approve all budget transfers as amended and noted by Ms. Garbitt.
Unanimous in favor.

Discuss Recommendation regarding Employee Hours

Paul Meleedy, Member of the Board of Assessors, was present for the discussion. Chair Yeatts gave a brief overview of what has been taking place regarding the Employee Hours. She recommended that someone should go over to the Assessors Office to help them with filing and data entry. If they have someone over there for five (5) hours every Monday to help out and get trained on other aspects of their office, then maybe when the Town has a full staff they will be able to train that person further. Mr. Meleedy stated that his office would love to have the hours reinstated for the help that is there now. Chair Yeatts stated that the recommendation is to give back an hour to each of the employees that they have and give five (5) hours of extra help. The money will come out of the money that had been voted for raises at the Annual Town Meeting. Ms. Garbitt explained that the person who will be doing this presently handles the motor vehicles abatements in the Collectors office, so they are familiar with one side of the process and will learn the Assessors side.

Selectman Maksy asked if the office is going to be open four (4) days a week to the public. It should be four (4) days like every other Town Office. Mr. Meleedy responded that it is open three (3) days. Selectman Maksy stated that when you work for the public, you work for the public. He would rather put the additional person on for the day that the office is presently closed to help out the public. Mr. Meleedy stated that he could not answer that this evening. Selectman Maksy stated that he wanted the five (5) hours conditional to getting a response to that question. Selectman Olivier noted that the Board keeps getting someone different from the Board of Assessors coming to the Selectmen's meetings, and no one is answering the question. Mr. Meleedy stated that he will make sure that that is on the agenda for the next meeting of the Assessors. Chair Yeatts stated that the Selectmen need to approve the hours now since there is a deadline on August 15th. The Assessor's Office needs the help right now. At the next meeting

the Selectmen will address opening the additional day with the Assessors. Five (5) hours is what can be offered right now. That will free up Norman Taylor to go out on the road to get that work done. Ms. Garbitt noted that the Town is also trying to address the concerns in the management audit letter. Mr. Meleedy suggested that it might be better if the Selectmen could meet with the Assessors on the 2nd or 4th Monday when they typically meet. The Assessors can meet with the Selectmen at 5:30 or 6:00 PM. He also noted that the waiver for the cyclical inspections was also achieved. Ms. Garbitt said it would be preferable for the Assessors to meet with the Board due to the scheduling of the meetings between both Boards. It was then decided that the Assessors would meet with the Selectmen at their office at 5:00 PM on August 9th and then would attend the Selectmen's meeting that same evening. Minor further discussion took place on this topic.

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

VOTED: To approve the recommendation of Employee Hours as on the memo dated July 26, 2010.
Unanimous in favor.

Review and award bids for Highway Department

Christopher Peck, Superintendent of Streets, was present for the discussion. The first bid discussed was salt. Mr. Peck stated that he spoke with the Town of Plymouth today about getting information from them regarding the collaborative bid that they are putting out for salt. He would like to hold off on this bid until he receives the pricing information from Plymouth.

Mr. Peck then discussed the sand bid. He stated that he had received two (2) bids for the sand, broken down into two materials, washed sand and screened sand. He has used washed sand in the past, but it gets bogged down in the sanders sometimes. There is a difference on the prices for each. Some of the contractors can only provide washed or screened. The bid was advertised for both. Ms. Garbitt explained that when the bidders submitted their bids, they were not clear on which sand they were bidding on. Ms. Craig stated that she called all the bidders to clarify their bid; the only one that is not clear is A.D. Makepeace.

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

VOTED: To award the bid to W.L. Byrne for washed sand at \$10.45 per ton delivered.
Unanimous in favor.

Selectman Maksy suggested to get screened sand also just so that Mr. Peck has what he might need.

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

VOTED: To award the bid to Kingstown Corporation for screened sand at \$9.82 per ton delivered.
Unanimous in favor.

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

VOTED: To award the bid to Sealcoating, Inc. for crack sealing at \$12.47 per gallon.
Unanimous in favor.

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

VOTED: To award the bid to Hi-Way Safety for \$.0308 per linear foot for road line painting using water based paint.
Unanimous in favor.

Mr. Peck then explained that the reason the price was so high for the catch basin cleaning is because he had cut this out of his budget last year, and the catch basins have to be cleaned this year. The Town only received one (1) bid.

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

VOTED: To award the bid to Vigeant Equipment Co, Inc. for \$11.71 per basin
Unanimous in favor.

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

VOTED: To award the bid for bituminous concrete to T.L. Edwards at \$69.37 on street per ton.
Unanimous in favor.

Vote to sign deeds for land donation on County Street

Chair Yeatts explained that the donation of land came from the Rounsevells. It is approximately 13 acres on County Street. Town Counsel has researched the title to the parcels and did not find any encumbrances. Audubon will put a permanent conservation restriction on this land and hopefully it will work out as mitigation for the land being graveled at the Ted Williams Camp.

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

VOTED: To accept the approximately 13 acres of land on County Street for the Town (two deeds) from Robert S. and Ethel M. Rounsevell.
Unanimous in favor.

Request from Town Clerk to appoint Election Officers

Chair Yeatts read the letter from the Town Clerk requesting the appointment of Election Officers.

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

VOTED: To appoint the following as Election Officers until August 15, 2011: Douglas Young, Martha Vigers, Marilyn Hunt, Eleanor Gamache, Diana Slocombe, Joseph Chamberlain, Susan Lynch, Rebecca Wood, Melissa Fitzgerald, Beverly Ingraham, Edwin A. Bollesen, Marion Bollesen, Shirley Fernandes, Joan Morton, Leanne Cataldo, Jean Douillette, Kristen Main, Robert Brady, Joan E. Newcomb, Patricia R. Bessette, Arleen M. Bowles, Marjorie E. Cleverly, Vivian Lee, Gary E. Mansfield, Catherine T. Sankus, Debra L. Martin, Shirley L. Healey, Evelyn C. Bumpus, Patrick R. Fitzgerald, Elizabeth A. St. George, and Stephanie Annichiarico.
Unanimous in favor.

Request for three (3) Road Opening Permits-Bay State Gas

Mr. Peck stated that there are three (3) separate road cuts. Only one (1) will require a trench permit. It appears to be all maintenance issues. Ms. Craig stated that it is a law that utilities do not have to pay the trench permit fee, but they have to pay the road cut fee.

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

VOTED: To approve all three road cuts for Bay State Gas.
Unanimous in favor.

Request for Temporary Trailer Permit

Chair Yeatts said that the Board had received a request for a Temporary Trailer Permit at 225 Bedford Street due to a house fire.

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

VOTED: To approve the Temporary Trailer Permit at 225 Bedford Street, subject to the Board of Health's and the Building Inspector's approvals.
Unanimous in favor.

Review update on Tamarack Park

Chair Yeatts explained that Mike Schroeder is at the Tamarack Park all the time and has done a lot of work there. She would like permission to take down the memorial from the motorcycle rider that was killed in an accident. She would like to ask the family if they would like to plant a tree or place a small memorial plaque there instead. Discussion took place on having a tree purchased and then talking with the next of kin and ask if they would like to get a plaque. Also, so as not to start a precedent, a tree is a good suggestion, but it should be off the road, not out front. Chair Yeatts will convey to Ms. Schroeder that the Board will write the note to the family and ask the Garden Club to purchase a Tamarack tree.

Ms. Garbitt stated that the previous owners of the Tamarack had donated \$30,000 to establish the park. Ms. Schroeder would like to buy some park benches for the park at \$90 a piece. She has someone to paint them. She would like to get three (3) tables. Ms. Craig stated that she thinks Ms. Schroeder wants to buy plants as well, so she needs to know the status of the funds. Ms. Garbitt stated that she will ask Ms. Schroeder for more information.

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

VOTED: To approve \$400 for tables and benches at the Tamarack Park.
Unanimous in favor.

Review Zoning Board of Appeals petition: Marcus Baptiste

Chair Yeatts explained that the petition for Marcus Baptiste is for the easement that the Town needs on Precinct Street.

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

VOTED: That there are no concerns with the petition for Marcus Baptiste, and this would be a benefit to the Town of Lakeville.
Unanimous in favor.

Request for letter of support for Lily Jeswald

Selectman Olivier stated that he had read the letter that Lily's mom submitted and thought it was a great idea to have Congressman Barney Frank appoint her as delegate for the Juvenile Diabetes Research Foundation. Chair Yeatts stated that Ms. Craig drafted a very nice letter, and the Board needs to vote to send it.

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

VOTED: To approve the letter to Congressman Barney Frank in support of Lily Jeswald being named as a delegate for the Juvenile Diabetes Research Foundation.
Unanimous in favor.

Request for revision of Earth Removal Permit – Bill Logan

Marcus Baptiste and the Reynolds were present for the discussion. Chair Yeatts read the complaint that Chris Peck, Superintendent of Streets, had received from the Reynolds about the vibrations from the machinery that they were feeling in their house that may be causing damage and that multiple areas of the silt fence had been breached. Mr. Baptiste explained that when they were installing the roadway, the trucks put down soil, and they had to roll it in. The machine is just used for about an hour each day or two. They are about a 1/3 of the way completed. The machine is now only used maybe once a week. Mr. Baptiste stated that he just heard about the breach today. He did not notice it from the last storm. Mr. Reynolds stated that it was breached the 14th of July. He did not notify anyone since he did not go out back, but when

the rain happened, it washed all down the hill. Then the silt fence opened up in another area, approximately 6' wide. Mr. Brocko from Mr. Logan's company stated that within an hour of Mr. Peck notifying him of this, the area had already been fixed. He will be happy to keep a better eye on the area so that it is not causing problems for people. Mr. Reynolds stated that there is another area that he can show that this is also taking place at. Selectman Maksy asked Mr. Reynolds to meet with Mr. Peck at 9:30 AM tomorrow to check this out. Then he will meet with Mr. Brocko and Mr. Baptiste about rectifying it.

Mr. Baptiste stated that T.L. Edwards has temporarily closed their operation in Lakeville, so he needs a different route for the trucks. Ms. Garbitt explained that she had spoken with Bill Logan today, and he is looking for the option to go both directions on Precinct Street. Mr. Peck explained the two (2) route options. They want to go to Plymouth since T.L. Edwards just bought P. A. Landers.

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

VOTED: That upon leaving the site, the trucks will go to right onto Precinct Street to Route 79 to Route 140 or left onto Precinct Street to go to Route 18.
Unanimous in favor.

Request from Board of Health regarding installation of countertop in their Office

Chair Yeatts stated the Board of Health would like a counter all the way across to store materials underneath. Ms. Garbitt stated that they have two (2) doors and this will allow someone to be able to look at plans and not block one (1) of the doors. The purchase needs to come through her office.

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

VOTED: To approve the request from the Board of Health to install a countertop in their office.
Unanimous in favor.

Request for a Hearing

Chair Yeatts referred to a copy of a letter that the Board received from Bruce Malenfant's attorney. She stated that if the Board were to do this, they would need counsel and she does not want to spend the money or the time on this matter. The matter has been going on for some time and she does not want to do it. She would like to deny a hearing and be done with it.

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

VOTED: To deny the hearing request from Bruce Malenfant's attorney.
Unanimous in favor.

Meet with Acting Police Chief regarding vacant Patrol Officer position

Acting Police Chief Frank Alvilhiera was present for the discussion. Acting Chief Alvilhiera distributed information to the Board regarding two (2) grants. Chair Yeatts explained both the grants and their amounts.

Acting Chief Alvilhiera then spoke about hiring a patrol officer to fill the vacancy on the staff. He stated that he received 15 applications of academy trained people. He had the pre-application packet sent out and received eight (8) back, so there are eight (8) candidates. He has not proceeded any further in terms of conducting a background investigation until he receives permission from the Board to hire someone. He will do background checks on all the applicants and narrow the selection down to three (3) candidates. He would like a member of the Board to sit in on the interviews. Chief Gates will also be participating, and he has requested another party from Brockton. He anticipates the interviews to take place about the latter part of August. The PAT testing and the psychological testing may still need to take place; he will look into that. Ms. Garbitt stated that a quorum of Selectmen cannot be on the Search Committee.

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

VOTED: To move forward with filling the vacant Patrol Officer position.
Unanimous in favor.

Acting Chief Alvilhiera spoke about the part-time dispatcher position. He stated that there are four (4) really good candidates and he would hate to exclude the fourth one knowing that only three (3) part-time dispatchers are needed. They could work on a rotating basis. Ms. Garbitt stated that the hours are less than 20 hours a week. Also, part time dispatchers do contribute to the County pension, unlike Assistant ACO's.

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

VOTED: To move forward with the four (4) candidates for part-time dispatcher.
Unanimous in favor.

Review and vote to approve Selectmen's Meeting Minutes: March 10, 2010, March 16, 2010, March 23, 2010, April 14, 2010, April 20, 2010, May 24, 2010, June 7, 2010, and July 20, 2010

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

VOTED: To approve the Selectmen's Meeting Minutes of March 10, 2010 as presented.
In favor 2, Abstain 1.

The March 16, 2010 meeting minutes were tabled.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 23, 2010 as presented.
Unanimous in favor

Chair Yeatts stated that she had a correction with the April 14th minutes. On page 2, Fire Chief Dan Hopkins, she asked to put in "because of the recent flooding" before the but.

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

VOTED: To approve the Selectmen's Meeting Minutes of April 14, 2010 as amended.
Unanimous in favor.

Chair Yeatts noted that with the first paragraph, the MTBE letters need to be re-arranged.

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's Meeting Minutes of April 20, 2010 as amended.
In favor 2, Abstain 1

Chair Yeatts asked about the hot water tank at Assawompset Elementary School. Ms. Garbitt responded that the funds were transferred. She will check to see if it was replaced.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 24, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of June 7, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of July 20, 2010 as presented.
In favor 2 Abstain 1.

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

VOTED: To approve the Executive Session Minutes of April 7, April 12, May 10th (2 sets), May 24 (2 sets), and June 14, 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 Executive Session Minutes of June 22, 2010 as presented.
In favor 2, Abstain 1.

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

VOTED: To approve the Executive Session Minutes of June 1, 2010 as presented.
Unanimous in favor.

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

VOTED: To approve the Executive Session Minutes of July 6 and July 20, 2010 as presented.
In favor 2, Abstain 1.

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

VOTED: To approve the Executive Session Minutes of July 12, 2010 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting

Chair Yeatts gave an update on the site visit that had taken place today at the Town well site. The question is if the bog was located on the property. Henry Paquin's son Aaron came over to discuss the matter. Ken Motta from Field Engineering was also there. He needs to figure out storm water discharges since they need to keep it uncontaminated. The Town needs to check the 1966 records and the quality of the water which was in the Water Master Plan. There is another bog on the side, and it needs to be found out who is using it. The radius of the well needs to be figured out as well. Chair Yeatts then read the letter sent to the Paquins. The land has been surveyed by the Town. Selectman Maksy stated that he would abstain from discussing the matter. Chair Yeatts stated that it needs to be clarified that this is the Town's property and to start doing test sites for a well. Selectman Maksy stated that the Town should see about taking it by eminent domain. Chair Yeatts stated that LeBaron owns everything except for a little piece.

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

VOTED: To send the letter to Mr. and Mrs. Henry Paquin and Aaron Paquin.
In favor 2, Abstain 1.

Ms. Garbitt stated that the Town of Bridgewater would like to have their dogs housed at Lakeville's Animal Shelter. This arrangement would be similar to that of other communities (Carver, Raynham, Rochester, Freetown and Berkley). The Board was asked to approve this for

a probationary period of six (6) months. The request is from their Town Manager. Ms. Craig stated that the six (6) month time period would be from August 1, 2010 through January 1, 2011.

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

VOTED: To approve the Town of Bridgewater to board their dogs at the Lakeville Animal Shelter on a probationary basis from August 1, 2010 through January 1, 2011.
Unanimous in favor.

Other Items

1. Press release from Board of Health regarding Eastern Equine Encephalitis
Chair Yeatts read the letter. Ms. Garbitt stated that the Town will be sprayed on Wednesday morning between 2:00 AM and 5:00 AM.
2. Letter from Board of Health regarding 9 Shore Avenue
3. Notice from Town Clerk regarding her vacation
Selectman Olivier stated that the Town Clerk would be going on vacation and Lillian Drane, the Assistant Town Clerk, would sign documents in her absence.
4. Letter from Michael Thompson Renzi regarding Light Pollution
Selectman Maksy asked why the Board received this. Chair Yeatts explained that the man has a planetarium in his backyard. Selectman Olivier stated that he has to put in lights that will shield the outpouring of the light. Chair Yeatts stated that the Town has a night sky bylaw. Ms. Garbitt will forward it to the Planning Board to discuss at their next upcoming meeting.
5. Notice of Award of 2010 CDBG Grant for Lakeville and Middleborough
6. Information regarding wind power
7. Information from ABCC regarding extended Sunday hours – Restaurants, Hotels, Clubs and General On-Premise Section 12 licenses
Ms. Craig asked if the Board had any comments on this matter. Middleborough is already doing it. Chair Yeatts stated that the Board will wait to see if any requests come in.
8. Mass School Building Authority Project Advisory
9. Letter from Paul Costa
10. Letter from Terri Lynn Wilkens regarding cookbook
11. Vaughn Street Bridge report from Mass DOT
12. Notice of SRPEDD Meeting – July 28, 2010
13. Notice of SRPEDD Meeting – Regional Plan for Sustainable Development
Ms. Garbitt asked if any of the Selectmen would like to attend the SRPEDD Meeting. It is during the day. Selectman Olivier stated that he would like will try to attend.
14. Sustainability Almanac
15. Letter from MMA regarding MunEnergy Seminars
16. Letter from Comcast
Selectman Olivier stated that he is not too happy with the existing service. The new boxes that they came out with have been more difficult in obtaining the channels that were once received.
17. Mass Wildlife News

18. Massachusetts Council on Compulsive Gambling News
19. Mass Interchange Newsletter
20. Invitation to State House celebration on 7-27-10 regarding Expedited State and Local Permitting
Ms. Garbitt asked if any member of the Board would like to attend the State House celebration. Selectman Olivier stated that he might like to.
21. Letter from Department of Housing & Community Development regarding the 40S process
Chair Yeatts stated that this is another reason that the Assessors Office needs help. Ms. Garbitt stated that the deadlines are drop dead deadlines, and if the School Department does not have the information in by then, then the Town will not receive the funding. Ms. Garbitt notified the Superintendent and asked for Mike Ward, Business Manager, to be at the meeting about this. He was forwarded this letter.
22. Notice from Field Engineering to Mass DOT regarding re-design of retaining wall for the Quelle's Barn

Adjournment

At 10:05 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

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