

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
February 27, 2012 - 7:00 PM

On February 27, 2012, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Olivier at 7:01 PM. Selectmen present were: Selectman Olivier, Selectman Maksy and Selectman Belliveau. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. James Cosgrove from Comcast was video-recording the meeting.

7:00 PM Meet with Paul McGillis regarding Morse Sand & Gravel

Paul McGillis of 6 Daniel Road was present for the discussion. Mr. McGillis stated that he was present to discuss an ongoing issue behind his residence. He has the judge's order that states that Morse Sand & Gravel cannot use a parcel of land that they have been continuing to use, known as the Frates Property. He has addressed the matter with Robert Iafrate, Building Commissioner, and has not gotten any results. Mr. McGillis said that over eight (8) weeks in 2011, he took pictures of the business using the Frates Property that they are not supposed to be using. It is the closest piece of land that is near Mr. McGillis' house, which contributes to the noise issue that he has to put up with. He would like that piece of land partitioned so that the business does not use it. Chairman Olivier stated that Mr. Iafrate did visit the site and saw two (2) trailers located on the Frates Property. Mr. McGillis stated that according to the judge's order, they are not to use that property for any commercial use. Chairman Olivier stated that this lot was previously owned by Vera Frates. He felt that Morse should be policing themselves. Selectman Maksy asked if there were vehicles there today. Mr. McGillis responded that he thought so. Selectman Maksy stated that it is his understanding that Mr. Iafrate went to Morse and addressed that issue with them.

Mr. McGillis showed pictures of Morse using the Frates Property. He recommended that Morse survey the land and block it off. They are also erecting a concrete wall, and he thinks that they are just dumping their old concrete there. They are not supposed to be doing that. Do they have a permit for that? Ms. Garbitt stated that there in the 40B permit for the Residences at LeBaron, a berm is to be constructed. Mr. McGillis asked about the noise deflecting towards his property? Selectman Maksy stated that this berm is on the other side of the property to deflect the noise from LeBaron. Mr. McGillis stated that if they do not have permits to build the berm, he would like it removed.

Chairman Olivier suggested that the Selectmen do a site visit with the Building Commissioner. Mr. McGillis asked if he could go out with the Board when they visit. He has problems with the noise; his children are still being woken up. Frank Will had a scale house there, and now Morse has incorporated that area. He does not think they should be able to use it as they are. It is the highest piece of land on the site, and he thinks that is why he has the problem with noise. He would like some resolution to this problem, as he has been dealing with this for a long time. He has been to the Board of Health and the Building Commissioner. His children are coming into his room about 4:00 or 5:00 AM each morning saying that they cannot get back to sleep due to the noise. Morse is using the property that they are not supposed to be using. Mr. McGillis said that he has a layout of the property and knows what they have

incorporated into the business. If it is not their land, he does not think they should be using it. Ms. Garbitt stated that a few years ago, the Selectmen requested that the property be staked out. Chairman Olivier stated that he would like to see the property lines if they are available. Mr. McGillis stated that Morse should put up concrete blocks, so that they do not use that land.

Selectman Belliveau asked if the Building Department also asked them to build a sound proofing barrier. Mr. McGillis responded that they did, but it is 30' lower than Fern Avenue. As far as he is concerned, the wall is useless, since it is so low. Selectman Belliveau stated that the Board cannot close the operation down. Mr. McGillis stated that he is just asking to have them limit their operation to the "plant parcel" of land, not to shut them down. If they bought the parcel from Frank Will after the fact, it was not grandfathered into the original purchase. Chairman Olivier read a portion of the judge's decision (page 3) "I find and rule that Morse's currently-conducted concrete-batching and related operations on the plant parcel, as mitigated presently and with further mitigation measures currently underway, are protected under G.L. c. 40A, sub section 6 as a valid expansion of a prior nonconforming use and do not need a special permit from the town. No such protection extends to any portion of the Frates parcel, and all commercial activity on that parcel must cease".

Marie McGillis of 6 Daniel Road stated that the sound barrier has been up for quite some time, but they have not been able to open up their windows for years. They have to run a humidifier as white noise and the central air in the summer due to the sounds from Morse. Each season they are running equipment to drown out the noise. Mrs. McGillis said they have lived there for 17 years and only had problems beginning eight (8) or nine (9) years ago. Mr. McGillis stated that if they are limited to using the original parcel, he believes his problems will be resolved. Mr. McGillis stated that if they have a permit for that berm, he would like a copy of that. Ms. Garbitt stated that she will forward him a copy of the 40B Permit.

Richard Scott of Rush Pond Road mentioned that there is, under the Massachusetts General Laws, a nuisance clause that states there is to be no more than ten (10) db of ambient sound. Did they perform any noise surveys? OSHA would make sure that the noise is no higher than 85 db at the source of generation, and no higher than 10 db ambient at the property line. If they are doing what they are doing with Lebaron, it sounds like they will want to take a baseline study to make sure that their mitigation is accomplishing what it was supposed to. When we discussed sound in the past, we found out that the Department of Environmental Protection has a noise meter, which they make available to the Board of Health, since they are to enforce the sound requirements. Good businesses want to do whatever they can to be good neighbors. Mr. Scott said in the past, noise measurements were taken at the McGillis property, and they were found to be out of compliance of the State's benchmark.

Selectman Maksy stated that he was a member of the Zoning Board of Appeals when this started. The Health Agent got certified to use the noise meter. The Town spent \$80,000 on legal fees. The judge ruled that since the Town had not set business hours previously, they cannot be set now. Mr. Scott stated that there is an ambient sound level somewhere. Unless they work for 24 hours straight, the trucks are not supposed to idle more than five (5) minutes. The Health Agent said, at the time he took the noise reading, that Morse was in compliance and at the time, they were. Ms. Garbitt stated that the Board of Health required Morse to pay for a noise study.

Chairman Olivier suggested that maybe Morse can increase the size of the barrier and not use the Frates Property. Mr. Scott stated that he would like to look at all the records. Chairman Olivier responded that the Board may ask for his help in the matter. The Selectmen will go on a site visit on March 3, 2012 in the morning. They will ask if Mr. McGillis can accompany them.

7:15 PM Meet with Water Advisory Committee and residents regarding Bedford Street Water Main Extension and to discuss the Charge of the Water Advisory Committee

Dennis Savas, Lou Gammons and Toby Baird were present for the discussion. Chairman Olivier explained that the Board met with the residents on Bedford Street involved with the betterment, and had told them that they were going to go back and look at the numbers again. The Board changed its approach with the betterment. The total cost of construction was \$333,000. This amount was cut in half, since the other side of the street has no residents. It was determined to include the Town of Lakeville property in that, since the Town needed the water as much, if not more, than the Bedford Street property owners. These changes effectively reduced everyone's original betterment figure by a third. It is a number that should now be acceptable to everyone. The Board does not feel that this will set a precedent for any future water pipe extension. The matter will be approached differently since there will be more properties where the next water lines are placed.

Dennis Savas stated that the Town was being pressed hard since 2003 to bring the waterline down the street due to its water problems. It was the Town's water issue that necessitated that the water be brought down this street. It is understood that the residents/businesses should pay a betterment, but not the cost of the construction since it was the Town's problem. The residents/businesses were also told some things by a member of the Board at that time that never held up. That is why the people located on this waterline helped to push for the line, based on the things they were told that never ended up happening. There is probably no case study to go by and this is a very unique situation. Selectman Belliveau stated that he was aware that the Town had an option to go through the woods, and then no one on Bedford Street would have access to municipal water. We understand that this is a hard pill to swallow. The Town is now picking up about \$112,000 of the cost. We are trying to be as reasonable as possible, and this is felt to be a good approach. Mr. Savas asked what would happen if a developer put in a water line, and it ran by your property. Selectman Maksy said on Bridge Street, the developer paid for the line. When the developer pays for the line, then the person located along the line only pays to have their property connected to the water line. There would not be a betterment, because the Town did not pay for it.

Selectman Maksy stated that based on the number of ratepayers currently, they will not be able to pay the \$220,000 annual payment for the water tower. Chairman Olivier stated that the Board is more than willing to work with those on the water line. Mr. Savas stated that he appreciated that. He added that the next day after he had mentioned about the quality of the water, water samples were taken by the City of Taunton. Lou Gammons of Gammons Insurance asked if the Board elected to put the water main through the woods, who would absorb the expense. Selectman Maksy stated that the money should not come from the taxpayers to pay for this. It should come from the ratepayers. Mr. Gammons stated that he considers the Town the developer at this point. Some of the businesses did not want municipal water, and how this

would be paid for was misrepresented. Selectman Maksy stated that the Water Stabilization Fund did not come from the taxpayers. It came from the MBTE settlement. The Town's hands were tied, since we did not have the water pressure to expand the water lines and offer more connections. The Town received a good interest rate on the loan, and also received Stimulus Money since the project was "shovel ready". Mr. Gammons stated that he was told by a previous Board member that there would be no expense to the property owners, so there was a form of misrepresentation, and he is not pleased with that. Selectman Belliveau stated that some people knew and some people did not know that there would be a betterment fee. The present Board is not happy about that situation. Selectman Maksy stated that the current Board is now responsible.

Mr. Gammons stated that when projects are presented, they should be presented honestly and forthright so that the townspeople can rely on that. Mr. Savas asked what if Lakeside Landing wants to tie in. Selectman Belliveau stated that they would have to take the line from where it ends now to where they would need to tie in. Toby Baird of the Lakeville United Church of Christ asked if the Town had set a date that it will take over the water. Chairman Olivier stated that the Town is in the process of signing an Intermunicipal Agreement. Mr. Baird asked if there was a target date. Selectman Belliveau responded that it is hoped that it would be sooner than a year. Mr. Baird stated that it is important that everyone will know what the connection fees will be. Mr. Savas asked if he had installed two (2) water feeds for his lot, would there have been an additional betterment cost. Chairman Olivier responded no, just connections fees. Selectman Maksy apologized for what might have been said before by previous Board members.

Selectman Maksy commended the Water Advisory Board and its members for completing their Charge in a timely basis. Sylvester Zienkiewicz, Chairman of the Water Advisory Board, stated that his Committee discussed some of the next projects that should take place. We do not have good maps for our existing infrastructure, so we have to work on that. Better mapping is needed that shows where the plot lines are and it must be to scale. We need to know where all the hydrants, valves, and current water customers are. The Town does not know where the customers are clustered or potential of customers, and how close they are to existing water lines. Mr. Zienkiewicz felt that the current IMA could use more bulking up. The Water Advisory Committee should be commenting on the next IMA to make sure it hits the nuts and bolts. Chairman Olivier asked where matters stood with Town Counsel. Ms. Garbitt reminded the Board that they had asked her to hold off until the Rules and Regulations and rate schedule were set into place. Mr. Zienkiewicz then commented on areas where the Town should begin connecting the water lines. The last item that the Committee should be looking into is antennae rentals on the water tank. Ms. Garbitt explained that that is something she is currently working on. The Request for Proposals (RFP) has been emailed to Town Counsel, and it will be on the next agenda for the Board. One of the main questions for the Board is, do you want the RFP to go out subject to Town Meeting vote. Chairman Olivier felt that it should, and that the Board should prioritize this.

Mr. Scott asked if Mr. Zienkiewicz would be using GPS to locate things in the field and updating the existing maps. Mr. Zienkiewicz responded that would be excellent, but we are not at that point yet. We do not have one (1) big map yet, nor do we know of anyone that has one. Taunton has a map about the right scale, but theirs is only updated every five (5) years, and the

Lakeville lines are only written in pencil. They also only have one (1) copy. We want to use the Assessor's information on a road type map. We do not need a topography map. Mr. Scott stated that he could offer some help with a GPS to at least locate all the hydrants. Chairman Olivier stated that the Town wants to put the water lines where they make sense, not to run water all around Town. There are not enough customers to support it now, but we want to make the Water Department sustain itself in the future. Selectman Maksy stated that the Board needs to revisit the Charge for the Water Advisory Committee. Selectman Belliveau said when a water line is put in, there should be a formula in place determining what percentage of people on the street would want the water, before the project can move forward. Chairman Olivier stated that there will have to be a certain level of positive response for a water line to be put in.

8:00 PM Meet with Robert Marshall regarding transfer of funds to Lakeville Community Access Media, Inc., to discuss the Agreement with the Board of Selectmen, and the Cable Studio at the High School

Donald Foster, Robert Marshall and Jose Invencio of Lakeville Community Access Media (LCAM) were present for the discussion. Mr. Marshall stated that the Selectmen have been presented the spending plan, which is very preliminary. In order for the Town to take over cable studio money is needed, so that is why LCAM is looking to have a transfer made. LCAM will need the amount of money required to put together the studio, and will be putting cameras in the Town Office Building and the meeting room at the Library. Live programming will be generated from both buildings. We are looking to build a room a little smaller than this one that would be an office/playback area. A person would be able to control everything from that location. We will need an area in the Town Office Building for a switcher. Taking into consideration everything, it adds up to a sizeable piece of money. September 23, 2012 is the transition date, and Comcast is to get the work done by mid-August. The money has to be available by then. Comcast has agreed that if the Town is not ready to take over that channel, they would not claim those channels.

Mr. Foster stated that LCAM was looking for space in a variety of places in Town. We have come to an agreement with the Library on using some space there. The space will be approximately 12' x 16' of space needed for an office and video work space. It will be just off the big conference room at the Library. There could be kids programming shows done, lectures and various kinds of meetings, since they would be operating right there. Mr. Marshall stated that one of the things the Library has asked for is to have two (2) walls completely closed in by July 1, 2012. That is a very busy time for them, and they want to eliminate confusion. We are not sure this deadline can be met. There is a lot of work to be done for those walls to go up. We are unsure if we need to hire an architect or develop an RFP. The time frame is very pressing, and without the money, the work that needs to be done cannot happen. We would like to put the expenditures up for all to see, so that everything is transparent. We would also like to change our existing policies for control, so that checks can be signed at different amounts at different levels depending on what needs to take place. Most of the purchases for equipment will be large amounts. Mr. Foster said LCAM has hired Michael Heylin as a consultant. He is affiliated with a cable channel in Raynham, and has provided LCAM with a lot of advice at no charge. The bylaws for LCAM are done. The Articles of Incorporation still need to be done, and there is

some other Internal Revenue paperwork to be completed. It is felt that the Town should withhold \$25,000 for any expenses that may come in that may be unforeseen at this point.

Mr. Marshall said that LCAM will be responsible for the public educational access channels. Selectman Belliveau suggested that the Board retain 10% or approximately \$35,000. That would be the prudent thing to do. Mr. Foster noted that legally, the money has to be spent for cable related activities. Mr. Marshall added that there is no time line to spend the funds. Mr. Foster stated that Ruth Gross will most likely join LCAM as the Library representative. The Selectmen also need to nominate a member, but it cannot be a Selectman. Chairman Olivier stated that the Town should hold \$25,000 as a buffer.

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

VOTED: To transfer to LCAM \$334,337.96, subject to the signing of the agreement and that they are to provide financial data on an annual basis.
Unanimous in favor.

Review Request for Junk Dealer's License-40 Taunton Street-John Pfister

Chairman Olivier stated that the Selectmen will do a site visit on Saturday at 40 Taunton Street, since there was an anonymous complaint made about the property. The Building Commissioner has been working with Mr. Pfister to clean up the site. Mr. Pfister has applied for a Junk Dealer's License.

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

VOTED: To continue the request for a Junk Dealer's License for John Pfister of 40 Taunton Street to March 12, 2012.
Unanimous in favor.

Discuss and vote on Police Contract – July 1, 2011 to June 30, 2014

Chairman Olivier stated that the Police Contract is a perfect example of a working partnership between the Police Union and the Town.

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

VOTED: To accept and sign the three (3) year Contractual Agreement between the Town of Lakeville and the Lakeville Police Association Mass COP Local #304 dated July 1, 2011-June 30, 2014.
Unanimous in favor

Review and vote on request from Police Chief to appoint Zachary Porter as Police Officer and Thomas Long as Reserve Police Officer

Zachary Porter was present with Frank Alvilhiera, Police Chief. Chairman Olivier said that Chief Alvilhiera has requested that Zachary Porter be appointed as a Police Officer and Constable.

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

VOTED: To appoint Zachary Porter as a Police Officer and Constable for the Town of Lakeville, effective March 1, 2012, for a probationary period of one (1) year, having an expiration date of March 1, 2013. Said appointment is contingent upon the successful completion of standard psychological testing.
Unanimous in favor.

Chairman Olivier read the appointment request from Chief Alvilhiera to appoint Thomas Long as a Reserve Police Officer.

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

VOTED: To appoint Thomas Long as a Reserve Police Officer for the Town of Lakeville, effective March 1, 2012, for a probationary period of one (1) year, having an expiration date of March 1, 2013. Said appointment is contingent upon the successful completion of standard psychological testing.
Unanimous in favor.

Request from Town Clerk regarding Appointment of Election Workers

Chairman Olivier read the request from Janet Tracy, Town Clerk, for the appointment of Election Workers.

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

VOTED: To appoint the following residents as Election Officers until August 15, 2012: Gail F. Fish, Mary E. Guertin, Michelle Y. Darling, Kathy A. Medeiros, Gail A. Evirs, and Francis B. Kenney, IV.
Unanimous in favor.

Review and discuss letter from Superintendent Gary Brown regarding a Warrant Article for the Annual Town Meeting to amend the Regional Agreement with the Old Colony Regional Vocational Technical High School

Ms. Garbitt stated that she has spoken with Robert Marshall regarding the Warrant Article for the Annual Town Meeting to amend the Regional Agreement with the Old Colony Regional Vocational Technical High School. Old Colony will have a budget meeting next Monday night

and is hoping for level funding. Gary Brown was not able to be here this evening, but will be present on March 12th.

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

VOTED: To continue the discussion on the Warrant Article for the Annual Town Meeting until March 12, 2012.
Unanimous in favor.

Review and vote on letter to Comcast regarding cable service to Lakeville Public Buildings

Chairman Olivier read the letter into the record regarding installing cable service to Lakeville Public Buildings. The Cable Advisory Committee requested that the Board send the letter to Comcast as the Statutory Issuing Authority.

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

VOTED: To authorize Chairman Olivier to sign the letter and to send it to Comcast.
Unanimous in favor.

Review and vote on request from the Regional Transitional School Committee for letters of support on Community Innovation Challenge Grant; Regional Bonus Aid for FY13 and McKinney-Ventro Act funding

Ms. Garbitt stated that the School Department and the Town have applied for the Community Innovation Challenge Grant (CIC). Chairman Olivier explained what the CIC Grant consists of. Selectman Maksy stated that as long as the funds do not come out of the Town's Local Aid, he does not have a problem with the letters of support. Chairman Olivier stated that he believes that the monies would be coming from outside of the calculation of what the State would be providing, unless they change the formula. Selectman Maksy suggested to add the following language into the letters: "We support this as long as it does not jeopardize the local support for the Town of Lakeville or any future calculations on the foundation budget for the Region."

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

VOTED: To authorize the following change to the three (3) letters; "We support this as long as it does not jeopardize the local support for the Town of Lakeville or any future calculations on the foundation budget for the Region."
Unanimous in favor.

Discuss letter from the Department of Revenue regarding the submission of Schedule A

Chairman Olivier explained that the Town Accountant anticipates having the Schedule A to the Department of Revenue by the March 23 deadline, and it will not jeopardize the quarterly payment. Selectman Maksy asked for this to be put on the March 12th agenda for an update.

Review and discuss Water Connection Application from Mark Evans for 35 and 37 Bedford Street

Ms. Garbitt stated that Mark Evans applied for both Taunton Water connections in February, but wants to put the garage on hold. Selectman Maksy stated that Mr. Evans has waited a long time for the Board to approve both of the water connection applications. Ms. Garbitt noted that the City of Taunton has approved both properties to be connected.

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

VOTED: To approve the water connections to Taunton water for Mark Evans for 35 and 37 Bedford Street.
Unanimous in favor.

Discuss FY13 Capital Plan and vote on amount for Capital Expenditures Committee

Ms. Garbitt stated that the Capital Expenditures Committee (CEC) has reviewed the Department Head requests. Selectman Belliveau reviewed the discussion from the CEC Meeting. The request for three (3) police cruisers may be reduced down to two (2) cruisers. Chief Hopkins has requested a fire engine. The CEC has requested that Chief Hopkins look into finding a used engine for the midterm. In the meantime, the Town can build up a Stabilization Fund from the ambulance fees in order to purchase the new fire engine in three (3) or four (4) years. Selectman Maksy suggested inquiring if one (1) of the pump trucks can be re-inspected to see if it can be certified. If it still pumps, but its limitations are not the same as when it was new, it still pumps. He felt a second opinion was needed for at least one (1) of the pumpers. The Town needs three (3) pumpers since hydrants are not located throughout the Town. Water has to be transported from a water source, so a water truck is also needed. Selectman Maksy stated that the minimum requirement for the pumper trucks needs to be determined to see if it can be met. There should also be a spread sheet on maintenance for all the fire engines and what repairs may be needed. Chairman Olivier explained that is what he has been asking for in order to make decisions regarding fire equipment. It is not wise to throw away a truck that you can still use. Pumps fail over time, not all at once.

Selectman Belliveau said that a septic system is needed for the Highway Barn. Storm water mapping needs to take place. The Town Accountant is requesting \$60,000 for technology. The Fire Department needs self-contained breathing bottles, since the ones that they have are all dated to expire. After this purchase, the Fire Department will be including this expense as part of their operational budget. The Fire Department also needs turnout gear and this will also be put into the operational budget of the Fire Department. Mr. Scott asked if the bottles could be leased with the idea of purchasing. This will be looked into further. Selectman Belliveau stated that the CEC would like to meet with the Department Heads and then try to prioritize the needs.

Discuss and vote on Lease for Karate Studio-Ted Williams Camp – 28 Precinct Street

Chairman Olivier read the information as presented. Selectman Maksy stated that he did not mind renewing the current lease since Mr. Marando did go through the move last year.

However, next time the lease renewal comes up, the Board should consider a nominal increase. Ms. Garbitt will advise the Park Commission that the Board is thinking about increasing the amount of the lease for the next renewal. Chairman Olivier suggested that the Somethin's Brewin lease also be reviewed at their next renewal to consider an increase.

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

VOTED: To renew the lease for two (2) years with Lakeville Martial Arts Club at the Ted Williams Camp, 28 Precinct Street, Lakeville, MA.
Unanimous in favor.

Discuss and vote on Lease for Historic Library – 241 Main Street

Ms. Garbitt has received the Certificate of Insurance for Somethin's Brewin. The sentence about the Lessee obligation will be removed from the lease. This sentence is on the signature page. The rental amount will remain at \$1,000 a month. Chairman Olivier asked if the Town's insurance costs has increased as a result of leasing the building. Ms. Garbitt responded that the insurance is not broken down for each building, since all the Town properties are added up together. She will check with Mr. Olivieri regarding that.

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

VOTED: To renew the lease at 241 Main Street from March 1, 2012 through February 28, 2013, subject to the removal of #22 on said lease.
Unanimous in favor.

Discuss FY13 Budget and schedule Budget Meetings with Finance Committee and Department Heads

It was the consensus of the Board to schedule Monday, March 5th at 6:30 PM and Tuesday, March 6 at 7:00 PM as budget meetings with the Finance Committee and Department Heads.

Discuss Board of Health request for the Board of Selectmen to issue Declaration of Support of Mosquito Control Funding for 2013

Discussion took place on the information presented. Ms. Garbitt stated that the Board of Health is requesting that the Board vote to support the Mosquito Control Funding for 2013. Anthony Texeira, Superintendent of the Plymouth County Mosquito Control Project, is looking for support. Chairman Olivier stated that he would like some additional information on the budget numbers, and requested that they be invited in to speak with the Board.

Review and discuss Job Description for Part-Time Water Department Clerk

The Board reviewed the job description for the Part-Time Water Department Clerk. Changes made to the job description were: on Page One, that the hours would be no more than 18 hours a week at Level 9 and on Page Two, *strike "in a governmental agency"*. Chairman Olivier stated

that a Selectman should be part of the screening and interviewing process. Selectman Belliveau agreed to participate.

Review and discuss Job Descriptions for Electric, Plumbing and Gas Inspectors

The Board reviewed the job descriptions for the Electric, Plumbing and Gas Inspectors.

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

VOTED: To approve the Job Descriptions for Electric, Plumbing and Gas Inspectors, with the change that performance reviews take place annually, rather than biennially.
Unanimous in favor.

Review request for Curb Cut-87 Pierce Avenue

Chairman Olivier read the request for a Curb Cut for 87 Pierce Avenue. Ms. Garbitt explained that at Town Meeting, some roads were voted as scenic, and the State Law was adopted. The Curb Cut does not appear to be impacting any stone walls. The Superintendent of Streets has submitted his comments.

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

VOTED: To approve the request for a Curb Cut at 87 Pierce Avenue, subject to the recommendations of the Superintendent of Streets
Unanimous in favor.

Review request for Curb Cut-1 Gillian Drive

Chairman Olivier read the request for a Curb Cut at 1 Gillian Drive. The Superintendent of Streets has submitted his comments.

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

VOTED: To approve the Curb Cut at 1 Gillian Drive, subject to the recommendations of the Superintendent of Streets.
Unanimous in favor.

Discuss request from Sidera Networks to install fiber optic cable on Middleborough Gas & Electric poles on Howland Road

Chairman Olivier explained the request from Sidera Networks. They are proposing to install fiber optic cable along Howland Road on current Middleborough Gas & Electric poles.

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

VOTED: To approve the request from Sidera Networks to install fiber optic cable on Middleborough Gas & Electric poles on Howland Road.
Unanimous in favor.

Discuss request from Litter Lifters for Annual Earth Day Event-April 14, 2012

Chairman Olivier read the request from Litter Lifters to use Tamarack Park for their Annual Earth Day Event on April 14, 2012.

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

VOTED: To approve the request from the Litter Lifters for their Annual Earth Day Event to take place on April 14, 2012 at Tamarack Park from 9:00 AM to 12:00 PM.
Unanimous in favor.

Discuss request to use the Town House for Easter Plant Sale-Apponequet Boosters-April 6 and 7, 2012

Chairman Olivier read the request to use the Town House for an Easter Plant Sale for the Apponequet Boosters on April 6 and 7, 2012.

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

VOTED: To approve the request of the Apponequet Boosters to use the Town House for an Easter Plant Sale on April 6 and 7, 2012.
Unanimous in favor.

Request from National Multiple Sclerosis Society to pass through Lakeville for Annual Cape Cod Getaway Bike Ride-June 23 and 24, 2012

Chairman Olivier read the letter from the National Multiple Sclerosis Society regarding passing through Lakeville for their Cape Cod Getaway Bike Ride. The ride will take place on June 23 and June 24, 2012.

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

VOTED: To approve the request from the National Multiple Sclerosis Society to pass through Lakeville for their Annual Cape Cod Getaway Bike Ride on June 23 and 24, 2012.
Unanimous in favor.

Request from New Balance for Reach the Beach Relay to pass through Lakeville-May 18 and 19, 2012

Chairman Olivier read the letter from the New Balance Reach the Beach Relay requesting permission to pass through Lakeville on May 18 and May 19, 2012.

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

VOTED: To approve the request for the New Balance Reach the Beach Relay to pass through Lakeville May 18 and 19, 2012, subject to the Police and Fire Chief's recommendation.
Unanimous in favor.

Request to use Town Office Building for car wash fundraiser-International Student Exchange Club-May 26, 2012

Chairman Olivier read the request from the International Student Exchange Club to use the Town Office Building on May 26, 2012 for a fundraiser car wash.

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

VOTED: To approve the request to use the Town Office Building for a car wash fundraiser for the International Student Exchange Club on May 26, 2012 from 8:30 AM to 12:00 PM.
Unanimous in favor.

Review and vote to approve Selectmen Meeting Minutes for February 13, 2012

Corrections were made to the minutes.

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

VOTED: To approve the Selectmen Meeting Minutes of February 13, 2012, as amended.
Unanimous in favor.

Review and vote to approve Executive Session Meeting Minutes for February 13, 2012

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

VOTED: To approve the Executive Session Meeting Minutes of February 13, 2012.
Unanimous in favor.

Other Items

1. Letter from Board of Library Commissioners regarding Waiver of FY12 Municipal Appropriation Requirement

2. Letter from Senator Michael Rodrigues regarding possible closure of the Taunton State Hospital
3. Copy of letter from Board of Health to SRPEDD regarding Community Innovation Challenge Grant
4. 2011 Gateway Wellness Incentive Summary
5. Financial Information from MEGA Members
6. Notice of Pepsi Supports Surrounding Towns Program
7. Notice from DEP of 2012 Clean Watershed Needs survey
8. RESC Meeting Notice-February 14, 2012
9. Letter from Metropolitan Area Planning Council regarding survey on Health Insurance Plans
10. Notice from MMA regarding formation of Massachusetts Municipal Energy Group and Meeting
11. MMA Alert-State Appropriation Needed for Unfunded State Mandate on School Transportation Costs for Homeless Students
12. MBTA Advisory Board Plan regarding MBTA Fare Increases and Service Reductions
13. Letter from MassDOT regarding Potential MBTA Service Reductions in 2012 & Environmental Notification Form
14. Letter from Massasoit Community College regarding Concepts and Practices of Drinking Water Distribution Class
15. Notice of 2012 Conference Schedule-Citizen Planner Training Collaborative-March 17, 2012
16. Notice of Surrender of Preliminary Permit-Cape Cod Tidal Energy Project
17. Notice from Verizon of Channel Line Up Change
18. Letter from Baystate Municipal Accounting Group
19. Notice from Fallon Community Health Plan
20. Retired State, County and Municipal Employees Association of Massachusetts Newsletter
21. Notice of Training Sessions-Association of Town Finance Committees
22. Copy of Certificate of Action regarding gateway Commons
23. SRPEDD's February 22, 2012 Agenda and Attachments

At 10:40 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter Executive Session and not return to open session to discuss strategy with respect to pending litigation because an open meeting may have a detrimental effect on the litigating position of the Board; to discuss strategy with respect to the Collective Bargaining Agreement with the Fire Union and in preparation for contract negotiations with non-union personnel, specifically the Fire Chief, because an open meeting may have a detrimental effect on the negotiating position of the Board.

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