

SELECTMEN'S MEETING MINUTES
Monday, March 8, 2010

On March 8, 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 Chairman Maksy at 7:00 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Comcast Cable Ascertainment Hearing

Donald Foster, David Curtis, James Longo, and Thomas Cirignano of the Cable Advisory Committee were present for the discussion. Also present were Robert Marshall and Attorney Peter Epstein. Selectman Yeatts read the hearing notice into the record.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To open the Comcast Cable Ascertainment Hearing.
Unanimous in favor.

Selectman Evirs recused himself from the hearing. Chairman Maksy read opening remarks into the record. David Curtis, Chairman of the Cable Advisory Committee, began the presentation to the Selectmen. He stated that the committee had performed a survey of Lakeville residents and the biggest concern seems to be the PEG access channel. Comcast has begun closing a lot of their studios and that will probably be the biggest part of the negotiations at this time. Mr. Cirignano said it should not be assumed that the Committee will agree to anything less favorable than what the Town has right now. He did not think that the Town should just roll over on the studio; it is worth fighting for. Mr. Foster stated that when the Committee negotiated the existing contract with Comcast, we were obliged to subscribe to level playing field requirements. If a second provider was brought in, then it would be required that they give the same services, so that it would be a level playing field. Everyone should remember that the level playing field requirements still exist since that had to be imposed on Verizon. Lakeville has a studio that it shares with the Town of Middleborough. The Town does not have one with Verizon. The Committee did try to have a payment structure in place, similar to that of Verizon. Attorney Epstein stated that this is an Ascertainment Hearing for Comcast. The focus right now is on Comcast and what the people of the Town want. Mr. Marshall stated that he would like to support Mr. Cirignano's point. The existing cable studio has been, for a long time, a valuable asset and despite what is happening elsewhere, we should not take it for granted that the studio will be closed. We were very certain to make sure that Verizon understood that we would maintain the level playing field for them.

Jill Reddish, Verizon Fios Franchise Manager, submitted a letter of the financial obligations and the agreement with the Town and Verizon and asked everyone to keep those items in mind while working on the level playing field matters. Attorney Epstein stated that Verizon would like an opportunity to review and comment on the proposal once it is available for public inspection and will make arrangements to pick up a copy. Drafts do become public documents;

however, when the Town held negotiations with Verizon, it did not make the draft documents available to Comcast. It is important to note that the Federal law speaks about the community's needs and interests to be negotiated, and while it is a public process, the Federal law does not talk about competitors becoming an integral part of that process. We are committed to being fair. The Committee did go through great pains to make sure it was all fair and equitable as possible. It is a little different since Comcast operates a studio. In the Verizon license there is no so-called "level playing field" option. It is in Comcast's license. This was offered to Verizon, but they declined it. However, you can still say you will give them a fair deal since both are cable operators. We understand the costs. You can rest assured that the Board of Selectmen and the Committee will do the right thing. It will be fair agreements to both vendors. Attorney Epstein stated that the Town voluntarily agreed to that level playing field language. There is no statutory law in State or Federal government that requires that. When Comcast comes in and says they insisted on it, we did treat them fairly. Now they are back at the table. This was their provision, and we would expect that they would honor their provision themselves. Mr. Cirignano stated that he believed that there are some sections that will be looked at for agreement, and they will adjust things into their contract to match Verizon's.

Attorney Epstein stated that when we negotiated the Verizon contract, we went over Comcast costs and tried to match them up with Verizon. We spent a lot of time on this, and we have detailed records of what the amounts were, how we arrived at them and how it translated from static to a percentage of 4% per year. Chairman Maksy asked if Comcast would like to take the studio off the table. Attorney Epstein responded that he does not know. The Town is doing the federally required Ascertainment Hearing right now. You are gathering information, the Committee spoke about the survey. You may want to have another hearing. Or you can give Comcast a more formal RFP (Request for Proposal). You have about a year; the contract expires in February 2011. It is a long process; you have a volunteer committee, so you want to get this done as soon as possible. Selectman Yeatts stated that she did not want to lose the studio, so everyone is on the same page as far as that goes. Chairman Maksy asked if there was anything else that the Board needs to be aware of that needs to be discussed with the contract. Mr. Curtis stated that the studio will be the big point. Not much has changed with Comcast since the last contract, except that we have a competitor for them. Mr. Marshall stated that one of the things that he would like to see, assuming the studio will continue, is the level of technology that presently exists in the studio that is shared with Middleborough to improve. They are only required to record and broadcast in analog as opposed to digitally, and that is something we need to look to Comcast to update as this moves forward.

Chairman Maksy asked about other locations like the Council on Aging Building. Ms. Garbitt stated that Mr. Marshall has looked at all the Town buildings and there really isn't the space available that the Town would need for a studio. Mr. Marshall agreed that the Committee was unsuccessful finding space in a Town building that would accommodate a studio. There is always the High School studio, but he understood that that is inoperative at the moment. That would most likely require an agreement between the Board of Selectmen and the Regional School Committee. Chairman Maksy stated that he has spoken with the School Department about this and a separate access would be needed. There are other things to look at. Mr. Curtis explained that just the access to that studio is the biggest thing. He did not see how we would be able to make a separate entrance at the High School. Mr. Marshall stated that it is his

understanding that there is a separate access, but it would need to be made more secure if they were willing to allow this.

Attorney Epstein stated that the Town is gathering all of this information and the Committee can then consider that. He heard some consensus that the present setup works just fine. Comcast may have a say about that and that is a negotiations point. He was not sure this Board had to deal with that tonight. But when your designee is ready to negotiate with them, that will be a starting point. There is also the coverage of the Town. There are primary issues and other issues that the Committee will get some feedback on from residents and put into a document that might go to Comcast. Selectman Yeatts brought up the matter of the phone calls at home from both Comcast and Verizon. She receives calls from both vendors at least once a week and is tired of it. If you have a satisfied customer, then leave them alone. Attorney Epstein stated that he is not sure that companies cannot solicit people, but if you have the service and you get calls a few times a week, then maybe the Committee can work on that. Maybe the person that does not want to receive the calls can be put on a list to have an "opt out" number. The objective of when you licensed Verizon was for creating competition and you achieved that. Customer service is an issue. We did require that when we licensed Verizon that they have an office either here or in Middleborough. That is the same language as is in section 12.1. So having an office in a convenient location is an issue. Chairman Maksy asked to return to the matter of the phone calls. Can we put that in the language that they cannot call cell phones? Mr. Foster stated that a number is a number; he did not think there is a distinction. Attorney Epstein stated that if they are calling and making attractive deals for your residence, then you want them to call. Selectman Yeatts stated that they can send it in the mail. Attorney Epstein stated this is healthy competition and that is what we wanted; we wanted people to have a choice.

Mr. Marshall stated that Attorney Epstein brought up the issue of customer service. Most of the time, he has been able to get through in a reasonable period of time, but sometimes that is not the case. In the current license, there are specifics that they have to follow guidelines of getting service within 30 seconds. Attorney Epstein stated that they are to pick up in a specified period of time and then you are to get to a live human being within 90 seconds. Under normal operating conditions, it shall not exceed 30 seconds when the connection is made, then with the transfer; it must be met 30% of the time. Mr. Foster stated that that is ambiguous. Attorney Epstein stated that the FCC will not answer that either. Mr. Marshall stated that he has been getting a lot of phone calls and flyers in the mail from both companies. It is a bit much, it is indicative that this is the type of competition that we hoped would happen between the two (2) companies. That is a good thing, that is what our residents asked for when they wanted a second cable operator, but he is very concerned about the amount of paper that is being sent to his home. Ms. Garbitt stated that she switched to Verizon and Comcast had sent representatives to her home, mailed notices and called her.

Attorney Epstein stated that the Board is looking for as much input from the community as possible, and the Committee will start working on a response to Comcast and begin meeting with them. You will stay in this phase until the Town is ready to offer a RFP. If you find you need more ascertainment, you can do that and you can informally sit down with Comcast. There is no problem in doing that. You do not have to wait a year to find out. You can have a meeting in two (2) weeks and find out. At this point it is about 11 months away from a new contract and the

Town cannot extend the Comcast license once it expires. Therefore, you want to approach this with some vigor. Ms. Garbitt asked if he would recommend that they continue the hearing for 14 days or longer. Attorney Epstein responded that he felt that the 14 days is enough. At some point you will close this hearing and you can have another one if you want in May or June.

Chairman Maksy stated this that concludes tonight's discussion, but the hearing will be kept open. Attorney Epstein stated that if anything comes in you need to make sure that it becomes part of the hearing record.

Upon a motion made by Selectman Yeatts; seconded by Selectman Maksy stepping down it was:

VOTED: To continue the Ascertainment Hearing to March 22, 2010 at 7:15 PM.
Unanimous in favor.

Meet with Building Commissioner to discuss Requirements for Qualifying as a Green Community

Robert Iafrate, Building Commissioner, is present for the discussion. Mr. Iafrate stated that he is the Chairman of the Green Communities Committee. Presently the Committee consists of Mr. Iafrate and Ms. Garbitt. The Stretch Code is one piece of a five (5) part puzzle that the Town needs to get approved to be designated a Green Community. Once the Town is approved, the Town can apply for grant money for solar power, wind power etc. This is through the Department of Energy Resources (DER). Seth Pickering is currently the director of the DER and he met with Mr. Pickering this morning. The first piece is for the Town to adopt an as-of-right bylaw for projects generating power. It cannot be through a Special Permit and has to be approved at Town Meeting with a 2/3's vote. This will be a process; it cannot be done all at once. Second, is to adopt an expedited application and permitting process. Third, to establish an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting, and put in place a comprehensive program designed to reduce this baseline by 20% within five (5) years of initial participation in the program. The fourth requirement is to purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable. The fifth requirement is to require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies. Mr. Iafrate stated that from what he has been told, the Stretch Code will be mandatory by 2012, but if the Town gets it together now, the Town will be eligible for the grant money. The only burden on the existing homes is if they are going to put on a substantial addition and will have to adhere to higher codes for Radiative Forcing value. The minimum R value will be required. Historical buildings have some exemptions. This is coming down the pike and everyone will have to abide by these rules, but if the Town gets on the curve it will be ahead of it. The actual Stretch Code is being worked on and will have to be implemented.

Mr. Iafrate stated that maybe the Town can site areas for solar panels, and it will benefit the Town and the taxpayer. He will call Bob Souza about what the Schools might qualify for. Ms.

Garbitt stated that Town Meeting has been scheduled for May 10, 2010. The Town could adopt the as-of-right bylaw on the same day as the Stretch Code. Mr. Iafrate stated that it would make sense to bring them both to Town Meeting at the same time, and they even have some suggestions about how to word the bylaw. In the future, once we get the Committee together, Mr. Pickering can come and speak and answer questions. Selectman Evirs stated that residents will be concerned about the 3,000 square foot requirement. Mr. Iafrate stated that the 3,000 square foot rule has been thrown out the window. It will apply to everyone. It will not adhere for commercial buildings less than 5,000 square feet. Building codes are always evolving. Chairman Maksy stated that this is all in the code now, but this will be a stretch to have it more stringent than what the Town has now. It will be implemented in full by 2012. Mr. Olivier asked if this would go retroactively back to the main part of the house when someone is putting on an addition. Mr. Iafrate responded that it would not. The Board does not have to put it on for this Town Meeting, but should in the near future.

Ms. Garbitt stated that the Town's consultant, Blue Wave, will work with the Town to put together the charge for the Committee and maybe at the next Selectmen's meeting, the Board can appoint the Energy Conservation Committee. She estimated that there should probably be about five (5) to seven (7) members on the Committee. Linda Grubb stated that there is a member of the Open Space Committee that has asked to serve.

Announce Federal Stimulus Funding for Water Storage Tank

Selectman Yeatts stated that the Town really lucked out with up to 20% savings on project costs for the Water Storage Tank. That is a \$917,505 savings for the water tower, water main extension and pumping station. The loan is \$4,545,903.

Selectman Yeatts stated that Representative Steve Canessa got a group together to discuss the water level in the ponds. Dick Turner said that the water level is the highest that it has been in 50 years. The problem seems to be the old gate house dam to the Wareham Street dam in Middleborough. They used to dredge the Nemasket River regularly, but now it is all silted in and there are a lot of weeds, so the water is not making it through and it is backing up. Since the weeds are impairing the herring from making it back to where they came from, something should happen fast.

Vote to sign Public Way Easement Agreement for DeMoranville Drive

Ms. Garbitt stated that this is the final step in the acceptance of DeMoranville Drive as a Town way. They have 120 days to record the Mylar from the date of Town Meeting, and the Board needs to vote to sign the Public Way Easement Agreement and the lien. All of the abutters had to sign off on this.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To sign the Public Way Easement Agreement for DeMoranville Drive.
Unanimous in favor.

Request for Road Cuts – Celco Construction Corporation – Water Projects

Ms. Garbitt stated that Celco Construction Corporation won the bid for the water line extension. They need to make road cuts on Precinct Street, Water Street, Rhode Island Road and Montgomery Street. Ms. Craig provided a two (2) page copy of the typical regulations the Board asks to have in place.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve and waive the fee for the Road Opening Permits for Celco Construction Corporation and for them to meet the eighteen (18) of the Permit. The Permit is good from March 8, 2010 to March 8, 2011 for all four (4) locations.
Unanimous in favor.

Discuss wording on commemorative plaque for Water Storage Tank

Selectman Yeatts said this is an informational item only. It was decided to change the words Council Members to Selectmen.

Discuss request from SPREDD regarding Regional Pre-Disaster Mitigation Plan

Ms. Garbitt stated that SRPEDD is considering updating the Regional Pre-Disaster Mitigation Plan. All cities and towns are required to adopt local multiple-hazard mitigation plans in order to remain eligible for FEMA's Hazard Mitigation Grant Program funds and to be eligible for other Federal hazard mitigation funds that are likely to be made available in the future. Selectman Yeatts asked Ms. Craig to forward this to Steve Canessa and specifically reference this to the meeting held last Friday. This matter will be put back on the next meeting.

Discuss request from Town Clerk to send letters to Town Democratic & Republican Committees

Chairman Maksy said that the Town Clerk has requested that the Selectmen send letters to the Town Democratic and Republican Committees regarding the appointment of Election Workers.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To send letters to Town Democratic & Republican Committees requesting the names of Election Workers to be appointed from each committee.
Unanimous in favor.

Discuss request from Town Clerk for renewal of Auctioneer Licenses, Junk Dealer Collector Licenses and Junk Collector Licenses

Selectman Yeatts discussed the licenses for 33 Myricks Street and the condition of the property. This property has had problems for years. Mr. Iafrate stated that the owner is making

a concerted effort to make a tough situation better. He really has made an effort to make an improvement and has been very cooperative. Chairman Maksy asked about 201 County Street. Mr. Iafrate responded that his junk is the packages his boats come in. Mr. Rogers has just built an addition and has a nice fenced in yard. It looks very professional and is nice and clean.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To renew the Auctioneer License, Junk Dealer License and Junk Collector License for Anthony and Dorita Morris of 33 Myricks Street with an expiration date of May 1, 2011.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To renew the Junk Dealer License and Junk Collector License for Hugh and Judy Rogers, of 201 County Street with an expiration date of May 1, 2011.
Unanimous in favor.

Revisit request from Wage & Personnel Board regarding drafting of a Personnel By-law

Chairman Maksy stated that the Board discussed looking at a Personnel Bylaw and inquiring if Town Counsel will help draft it. It has been determined that it will take about two (2) to four (4) hours of Town Counsel's time at a cost of \$330-\$660 to draft it. Ms. Garbitt stated that the Town accepted the provisions of the rules and regulations for the Classification Plan, but did not adopt a Personnel Bylaw. With the bylaw, Town Meeting would have to approve a new position, instead of the Board approving it. This is just formalizing a Personnel Bylaw.

Revisit request from Apponequet Athletic Booster Club regarding use of Town House

Kevin Donnelly was present for the discussion. Mr. Donnelly explained that he came before the Board regarding the Christmas Tree sale and is now looking for the use of the Town House for the 2nd and 3rd of April for the Boosters Annual Easter Plant sale. This should be the last time he comes in front of the Board for a waiver since the Superintendent of Schools is looking to have an insurance policy to cover all groups. The Boosters are asking for a one (1) time waiver on the use of the Town House. The School Department should have this in place soon, since the insurance company is looking at covering on property, off property, etc. This sale is a lot less risky than the Christmas tree sale. Mr. Donnelly spoke about all the projects that the Boosters contributed to the school. He said that a lot of people probably do not understand what the Boosters do. Mr. Olivier stated that when he was on the Finance Committee, he worked with the Community Recreation accountant a few years ago and was wondering how much of their money is paying for things like Mr. Donnelly said. He was not aware that the Boosters paid for those types of items for the school. Mr. Donnelly stated that the baseball field fence was a safety thing. Because the School's budget was so tight, the Boosters paid for the gym floor, rather than having them lose an aide. The Boosters repaired the bleachers on the visitor's side. He did not want it publicized that the Boosters are paying for maintenance items for the schools. Selectman Evirs stated that he liked the fact that the Boosters are working to get the insurance

matter fixed since there are a lot of groups out there with exposed liability. He agrees that selling Easter Plants was a lot less risky than the Christmas Trees.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the use of the Town House on April 2, 2010 and April 3, 2010 by the Apponequet Athletic Booster Club for their Annual Easter Plant Sale based on the same insurance requirements as they had in place for the Christmas Tree Sale.
Unanimous in favor.

Request for renewal of Trailer Storage Permit – Alan Swanson – 135 Precinct Street

Chairman Maksy stated that Mr. Swanson has requested renewal of his storage trailer permit for 135 Precinct Street. The fee is \$25 and has been paid.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To renew the storage trailer permit for Alan Swanson at 135 Precinct Street with a term to expire March 30, 2011.
Unanimous in favor.

Announce the success of the 4th Grade Art Show

It was noted that the Assawompset School exhibit is March 13, 2010 from 12:00 PM to 3:00 PM. There was a change of date when the exhibit was held at the Senior Center and the Board did not get the new date. It had been February 10, 2010 and was rescheduled due to the snow storm. Selectman Yeatts asked to have an acknowledgement sent to students in case she is unable to attend.

Announce receipt of Common Cause Massachusetts 2010 e-Government Award with Distinction for Town website

Ms. Garbitt will be able to accept the award on behalf of Ms. Craig, who works on the Town's website, and will get in contact with our legislators to see if they will be able to attend. The ceremony takes place on March 16th at 11:00 AM at the State House in Boston.

Review Zoning Board of Appeals petitions: Barys and T-Mobile

Chairman Maksy said the Board had two (2) petitions for review from the Zoning Board of Appeals. The first petition was for Jucjan & Alicja Barys for the property located at 3 Hollis Avenue. Selectman Yeatts stated that their petition is not what they are asking for. It appears that 7.4.1 is what they are also asking for. Selectman Evirs stated that 6.1.3 is what they want the Special Permit for. Ms. Garbitt noted that it is a summer property, and they intend to keep it that way, but would like to demolish a portion of the house. Selectman Evirs stated that he thinks they need to adhere to 6.1.8, the 105% footprint. Selectman Yeatts noted that the farmer's porch with a roof is pretty sizable. Selectman Evirs stated that he did not see what the

existing footprint is right now. Selectman Yeatts asked if the farmer's porch becomes part of the footprint in the future. Chairman Maksy stated that that is another point, is the proposed wooden deck a part of the application process. He would like to suggest that conditions be put in place so that this cannot become a closed porch. Selectman Yeatts stated that we need to state our concerns that this does not become living space. Selectman Evirs stated that he was also concerned about the porch becoming living space since it could easily become enclosed.

Chairman Maksy said the next petition is from T-mobile for the property located at 1 Elliot's Way. They are looking to construct a new cellular tower. This is next to the bridge on Highland Road. The Board had no concerns regarding this petition.

Review and vote to approve Selectmen's Meeting Minutes: October 26, 2009; November 9, 2009; December 10, 2009; December 17, 2009, January 11, 2010, January 20, 2010 and February 8, 2010

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of October 26, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of November 9, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of December 10, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of December 17, 2009 as presented.
In Favor 2, Abstain 1.

Selectman Yeatts noted that the January 11th meeting minutes had page 2 and 4 missing. She said under the section talking about the Open Space Plan, 2/3's the way down the page, 636 acres is on Howland Road. Then, the Town owned property has 636 acres. The Town rezoned the 600 acres to Industrial.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of January 20, 2010 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Selectmen's Meeting Minutes of January 25, 2010 noting that the Town has not received necessary information about the Betts' dog being on their insurance policy.
Unanimous in favor.

It was noted that the meeting minutes of February 8, 2010 have no page 2.

Review and accept Executive Session Minutes: October 26, 2009; December 17, 2009; December 21, 2009; February 8, 2010 and February 22, 2010

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Executive Session Minutes of October 26, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Executive Session Minutes of December 17, 2009 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Executive Session Minutes of February 8, 2010 as presented.
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Executive Session Minutes of February 22, 2010 as presented.
Unanimous in favor.

Old Business

Luke Leonard asked what was going on with the Lakeville Hospital property. Selectman Yeatts responded that Steve Canessa called National Development to see what was going on with the property since it had been seven (7) years. National Development said they would get back to him in 30 days. Mr. Leonard asked if there any effort from the Town or State to provide infrastructure employment for people out of work. Chairman Maksy responded that the stimulus money for the water tower is an example of that happening.

New Business

Ms. Garbitt stated that the Police Chief is on administrative leave pending review of a personnel matter and it is expected to be completed soon. She cautioned the Board on speaking on the matter in Open or in Executive Session. It is hoped to have the matter concluded shortly,

but it is still being investigated. Tom Washburn of Long Point Road wanted to know why the Town is paying the Police Chief while on administrative leave. Chairman Maksy stated that the Town Administrator is handling everything since she is the direct supervisor for the Police Chief. Ms. Garbitt stated that she would hope to know more by the next meeting.

Ms. Garbitt stated that Salvatore Cucinotti has requested a change of the name on his Class II license for the property located at 19 South Kingman Street. The current name on the license is Majestic Auto Wholesale, Inc. He is requesting a name change to Salvatore Cucinotti, dba SC Auto. Ms. Craig has received all the necessary paperwork. The conditions will stay the same.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the name change for the Class II license issued for the property at 19 South Kingman Street from Majestic Auto Wholesale, Inc., to Salvatore Cucinotti, dba SC Auto with all the same conditions.
Unanimous in favor.

Other Items

1. Letter from Bob Iafrate regarding 5 Cherry Street
Mr. Iafrate stated that the building is not in good shape, but it could easily be repaired. He does not think it has to be demolished if it could be useful for something in the future. Selectman Yeatts asked if it is an asset or a liability for the Town. Mr. Iafrate stated it is a typical two-car garage. It will take money to fix it up. Ms. Garbitt stated that it would be valuable to the house that it originally went with if not used for a pumping station. Chairman Maksy asked if the Town could lease it to an abutter with the intent that they fix it up, with the Town taking it back in case it was needed. Mr. Iafrate stated that it is worth more with the garage on the lot than without. It will cost as much to fix it as it will to tear it down. Ms. Garbitt noted that the corner of the garage encroaches on the abutter's lot. Mr. Iafrate stated that it is not ready to collapse. Chairman Maksy suggested seeing if someone would like to lease the garage and do the repairs. We need to do something to secure it since it is a liability to the Town. Ms. Garbitt will look into the options. Selectman Evirs suggested to check with Mr. Peck to see what it would cost to tear down the garage or what it would cost to repair.
2. Notice of Marilyn Mansfield Veteran's Training Certification
Selectman Yeatts read the letter into the record.
3. Memo sent to Bob Iafrate regarding use of the Frates parcel by Morse Sand & Gravel
Chairman Maksy stated that the Building Commissioner is taking care of this.
4. Letter from Board of Health regarding Contaminated Shared Private Well
Selectman Yeatts stated that there are two (2) houses on Second Avenue and another house that have E-coli in their water and it is sure that the high water table is contributing to this.
5. Notice of Simplified License Being Renewed – 9 Shore Avenue dock
6. Letter from SEMASS regarding Greenhouse Gas Reporting Rule Change

7. Memo from Town Counsel regarding Department of Public Utilities Emergency Regulations Regarding Standards of Performance for Emergency Preparation & Restoration of Service For Electric Distribution and Gas Companies
8. Notice of JTPG meeting – March 10, 2010
9. Notice of Regional Economic Strategy Committee meeting – March 9, 2010
Ms. Garbitt stated that she still does not have anyone from the Lakeville Development Committee to attend any of these meetings. Ms. Weston will send the LDC an email looking for a volunteer to serve on this committee.
10. Notice from SRPEDD regarding Southeastern Massachusetts Transportation Alliance
11. Announcement of funding from DEP regarding Underground Storage Tanks
Ms. Garbitt stated that there are grant funds available every year, and she passes this on to the Fire Chief.
12. Notice from Massachusetts Historical Commission regarding Archaeology Month event
Selectman Yeatts stated that she has not had an event on Columbus Day weekend at Betty's Neck for a while and perhaps she will do one this year. She will get this on the agenda in the booklet that they send out.
13. Notice from Massachusetts Historical Commission regarding Massachusetts Preservation Projects Fund Grant Program
14. Notice of Public Hearing – NSTAR Energy Efficiency Surcharge Tariffs
15. Notice from Bay State Gas Company requesting an increase in 2009 Energy Efficiency Budget
16. Mass Wildlife News Bulletin
Selectman Yeatts stated that she went to visit the new special education classroom at Assawompset School and the students were all working hard. This is a wildlife stamp competition, and they pick children's drawings to put on a stamp. It would be a good activity for them.
17. Letter from Comcast regarding receiving Expanded Basic Cable Channels
18. Comcast Massachusetts Overview
19. Update from SPREDD regarding 911 Feasibility Study
Chairman Maksy stated that the letter from SPREDD is to participate in the 911 Feasibility Study
20. Letter from Attorney Freeman to Planning Board regarding Modification to 40R Plan Approval for Kensington Court at Lakeville Station
Ms. Garbitt stated that this is the actual request to modify the 40R. The Planning Board need to hold a public hearing to modify the 40R Permit.

Adjournment

At 10:52 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs the Board unanimously:

VOTED: To enter into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position and not return to Open Session. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; and to actually conduct collective bargaining and contract negotiations

with non-union personnel. Specifically, the Board will discuss the Fire and Police Collective Bargaining Agreements.

Polled vote of Selectmen Yeatts – aye, Selectman Evirs – aye, and Selectman Maksy – aye.