

SELECTMEN'S MEETING
Monday, March 22, 2010

On March 22, 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 Acting Chair Yeatts at 7:01 PM. Selectmen present were Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Orrall Earth Removal Permit hearing continued

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

VOTED: To continue the Earth Removal Permit hearing for Emery Orrall until April 12, 2010 at 7:00 PM.
Unanimous in favor.

7:15 PM Comcast Ascertainment Hearing continued

Selectman Evirs had recused himself from the discussion at the last meeting. However, under the Rule of Necessity, he will participate in the discussion for the purpose of closing the hearing.

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

VOTED: To close the Comcast Ascertainment Hearing.
Unanimous in favor.

7:30 PM Meet with David Anderson regarding Permit for Outdoor Live Music

David Anderson and Glenn Chistolini were present for the discussion. Mr. Anderson said he was there on behalf of Pastor Sara Price from Virginia. Pastor Price feels that this is the year to hold a revival in Massachusetts. They had previously negotiated with a landowner in Raynham to hold the revival, but the rent was too much. Mr. Anderson placed an article in the newspaper, and Glenn Chistolini offered his property for the revival. Mr. Anderson said that he had provided the Board with information about the Pastor and her qualifications. They would like to hold the revival from June 1, 2010 through June 16, 2010. There will be no alcohol or food served. The tent is fireproof. There will be designated parking with assistants to help with the parking. He has spoken with the Police Department for possible details on those nights, if necessary. The Board of Health was also consulted, and there will be two (2) male and two (2) female portable restrooms. Acting Chair asked that one of the restrooms be handicapped accessible. She added that she felt that the Town should get input from the neighbors on this. Mr. Chistolini stated that the nearest neighbor is 3,500 feet away. Parking will take place in the corral and he will move the cattle into the other corral. Mr. Anderson stated that the music will be in the tent. Selectman Evirs asked how many people could be in the tent. Mr. Anderson said

previously there were looking at 1,500 to 2,000 people, but that was when they were going to have a larger piece of land. They have scaled it down. The last tent meeting held in Middleborough was 25 years ago. Based on that attendance, we are not expecting a huge turnout. Selectman Evirs suggested that they start out with a Police detail, and if it is not needed, then it can be discontinued. Mr. Anderson stated that they will have people with flashlights directing the parking in the corral. Mr. Chistolini stated he has enough parking space for over 100 cars.

Selectman Evirs explained that when the Haunted House takes place, there are stipulations in regards to fire regulations and they are required to have EMTs on detail. Daniel Hopkins, Fire Chief, said usually there are two (2) EMTs at the Haunted House, but not an ambulance. Ms. Garbitt asked about the tent being inspected. Chief Hopkins responded that the Fire Department would perform an inspection. Ms. Garbitt asked where they will be putting the signs. Mr. Anderson responded that the signs will be placed only where people need to make the designated turn. The sign will read Tent Revival with an arrow. Directions will be provided in the newspaper and in radio announcements.

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

VOTED: To approve the Outdoor Music Permit request for June 1, 2010 through June 16, 2010 from 7:00 PM to 9:30 PM Monday through Saturday and Sundays from 1:00 PM to 4:00 PM. There will be Police and EMT details as determined by the Fire and Acting Police Chief, who then can determine the staffing levels depending on attendance.
Unanimous in favor.

Review request from Back Nine Club for extension on Liquor License hours

Mark Joseph Klein, Manager of the Back Nine Club, is present for the discussion. Mr. Klein stated that the Club would like to extend the hours on the current liquor license to 1:00 AM on Thursday, Friday and Saturday. Acting Police Chief Alvilhiera stated that to his knowledge, there had been no problems reported with this facility. Selectman Evirs stated that he felt that the neighborhood should get a chance to be involved in the process since the Back Nine Club is in a residential neighborhood. Poquoy Brook is located on more of a main road, LeBaron is a little different with the function rooms, but this is tucked into the residential area. It was noted that Lakeville Country Club was located in a residential area.

Bruce and Terri Malenfant of 17 Powder House Road stated that they would be in favor of the extended hours. Selectman Yeatts asked that Mr. Klein notify the neighborhood, especially Heritage Hill Drive and Powderhouse Road, by first class mail; certified mail was not necessary. Selectman Evirs said this is a two (2) hour increase in the liquor license, and the neighbors should be allowed to have some input. Selectman Yeatts said sending out the notice is a courtesy to the neighbors since the other three (3) golf clubs are open to 1:00 AM. It was agreed to continue this matter until 7:15 PM on April 12, 2010.

Request for renewal of Earth Removal Permits

Acting Chair Yeatts said that the Board has received two (2) requests for renewal of Earth Removal Permits. Ms. Craig said Bruce Taylor's permit originally was issued for 5,000 cubic yards and so far he has removed 4,584 cubic yards.

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

VOTED: To approve Bruce Taylor's Earth Removal Permit for 119 Bedford Street for 500 cubic yards with an expiration of March 31, 2011.
Unanimous in favor.

The second renewal request was from KCLS Construction for the property located at Lots 7A, 7B, 7E, 7G, 10I, and 10J, Assessors Map 62 Block 3 incidental to the construction of Kensington Court at Lakeville Station project located on Commercial Drive. Acting Chair Yeatts noted that the Board did not ask for a bond for road repairs on the original permit. Selectman Evirs explained that Commercial Drive is a private road. Acting Chair Yeatts stated that they have not begun the removal, and they are asking for a waiver of the administrative fees.

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

VOTED: To waive the administration fee of \$2,690.00 and to approve the renewal of the Earth Removal Permit, having an expiration date of March 31, 2011, for 18,500 cubic yard for KCLS Construction for the property located at Lots 7A, 7B, 7E, 7G, 10I, and 10J, Assessors Map 62 Block 3 incidental to the construction of Kensington Court at Lakeville Station project located on Commercial Drive.
Unanimous in favor.

Request for appointment of Robert Marshall to Cable Television Advisory Committee

Acting Chair Yeatts said the Board received a request from David Curtis, Chairman of the Cable Advisory Committee, requesting that Robert Marshall be appointed to the Cable Advisory Committee. Mr. Marshall was on the Cable Committee for quite a while and resigned due to health reasons. He would now like to rejoin the Committee.

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

VOTED: To appoint Robert Marshall to the Cable Advisory Committee with an expiration date of July 31, 2010.
Unanimous in favor.

Revisit appointment of Representative to SRPEDD Pre-Disaster Mitigation Plan

Daniel Hopkins, Fire Chief, was present for the discussion. Acting Chair Yeatts stated that Chief Hopkins had offered to be the Town's Representative.

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

VOTED: To appoint Daniel Hopkins as Representative to SRPEDD Pre-Disaster Mitigation Plan for the Town of Lakeville.
Unanimous in favor.

Vote to accept resignation of Gary Mansfield from the Finance Committee

Acting Chair Yeatts read the resignation letter from Gary Mansfield, who was resigning from the Finance Committee. His resignation will be effective on April 5, 2010.

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

VOTED: To accept the resignation of Gary Mansfield from the Finance Committee.
Unanimous in favor.

Acting Chair Yeatts requested that Mr. Mansfield be sent a letter of thanks. She requested that letters of interest be submitted to the Board of Selectmen for the vacancy through April 5, 2010.

Request from Bay State Gas for Emergency Road Cut

Acting Chair Yeatts said that the road cut took place a few weeks ago. She would have liked a bit quicker notice. Mr. Peck has inspected the road cut. The cut was made on the shoulder of the road, not the pavement.

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

VOTED: To approve the Emergency Road Cut from Bay State Gas at 68 Taunton Street.
Unanimous in favor.

Review request from the Lakeville Police Dept. regarding Community Information Exchange (Nixle)

Acting Police Chief Alvilhiera explained that the Nixle service is a community information exchange. Residents can receive information, advisory alerts and traffic alerts depending on what the citizens sign up for. Residents can also get an email alert as well. The service is free. Selectman Evirs asked if there were any equipment costs. Acting Police Chief Alvilhiera responded that it is all web based and secure, and there were no costs associated with it for the

Town. For the person receiving the alerts, their cell phone provider rates would apply. People could go directly to www.nixle.com to sign up for the service. Ms. Craig will place the information on the Town's website. Acting Chief Alvilhiera noted it will be placed on the Police Website as well.

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

VOTED: To authorize Acting Police Chief Alvilhiera to go through with the Nixle project.
Unanimous in favor.

Review request for One Day Special All Alcohol Liquor Licenses

Acting Chair Yeatts said the Board had received two (2) requests from the Park Commission for One Day Special All Alcohol Liquor Licenses. Acting Chair Yeatts noted that the Park Commission will be closing the Commissary Building as of May 31, 2010.

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

VOTED: To approve the request for a One Day Special All Alcohol Liquor License for April 3, 2010 from 3:00 PM to 9:00 PM for a Brewins Youth Hockey Dinner, pending receipt of a new Certificate of Insurance from the bartending service.
Unanimous in favor.

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

VOTED: To approve the request for a One Day Special All Alcohol Liquor License for May 1, 2010 from 4:00 PM to 11:00 PM for Dorine Estes Baptism, pending receipt of a new Certificate of Insurance from the bartending service.
Unanimous in favor.

Review and vote to approve Selectmen's Meeting Minutes: January 11, 2010, February 8, 2010 (6:00 PM), February 8, 2010 (7:00 PM), and March 18, 2010

The Board cannot vote on the January 11th meeting minutes since Selectman Evirs was absent.

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

VOTED: To approve the Selectmen's Meeting Minutes of February 8, 2010 at 6:00 PM.
Unanimous in favor.

Acting Chair Yeatts said on the February 8, 2010 minutes for 7:00 PM, Page 8, at the end, the last sentence should read: *Budgeting for one (1) additional family plan for the Town and also for the School Department.*

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

VOTED: To approve the Selectmen's Meeting Minutes of February 8, 2010 at 7:00 PM as amended.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of March 18, 2010.
Unanimous in favor.

Review and accept Executive Session Meeting Minutes: March 8, 2010 and March 18, 2010

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

VOTED: To approve the Executive Session Meeting Minutes of March 8, 2010.
Unanimous in favor.

Discussion occurred regarding the formatting of the March 18, 2010 minutes. Ms. Garbitt said she would revise the format.

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

VOTED: To approve the Executive Session Meeting Minutes of March 18, 2010 as amended.
Unanimous in favor.

Old Business

There was no old business brought forward for discussion.

New Business

Selectman Yeatts stated that she had received a letter from the Lakeville Conservation Commission requesting that Pamela Rasa be appointed to the Conservation Commission as an Associate Member.

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

VOTED: To appoint Pamela Rasa to the Conservation Commission as an Associate Member with a term to expire July 31, 2010.
Unanimous in favor.

Selectman Yeatts stated that Town meeting appointed the Board of Selectmen as Water Commissioners and that one (1) of the Water Commissioners needed to be appointed to sign the invoices for the water tower and water line projects.

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

VOTED: To appoint Selectman Evirs to sign the invoices until April 4, 2010. Selectman Yeatts will be the designated signee after that date, and Selectman Maksy will be the alternate.
Unanimous in favor.

Ms. Garbitt noted that the Town's website had received Common Cause's e-Government Award with Distinction for the second year in a row. Ms. Garbitt said that Ms. Craig maintains the website, and Representative Steve Canessa prepared a proclamation in recognition of her work. Ms. Craig was thanked for all the work she does on the website.

Selectman Yeatts asked for Chief Hopkins to update the Board on what happened with FEMA today. The Chief stated that FEMA Inspectors had toured the hardest hit areas in Town, including Clark Shores, Churchill Shores, Staples Shores and Parkhurst. The Town should hear by the end of the week if Plymouth County has enough damage to be considered a Federal Disaster Area. The damage threshold is \$1.5 million for Plymouth County. Lakeville, Freetown, and Raynham were inspected today. If Plymouth County does meet the damage threshold, then FEMA would set up a Disaster Recovery Center to help residents. Chief Hopkins noted that mostly residences were affected in Lakeville. Selectman Yeatts stated that there will be a meeting held at the Joe Simas Lecture Hall to discuss the high water levels at the Assawompset Pond Complex. Representative Steve Canessa is inviting residents that would like to receive insight and guidance about the situation to attend the meeting. Chief Hopkins said it did not matter if the dams were lowered; the water was flowing four (4) feet over and around the boards. Selectman Yeatts said part of the problem is that the Nemasket River has not been dredged for several years, and it has silted in. Weeds have grown in, and the flow of the river has changed. The river cannot be dredged until the water goes down.

Other Items

1. Letter from Old Colony Regional Technical High School regarding FY11 budget
2. Letter from Plymouth County Registry of Deeds
3. Letter from DEP regarding Draft Intended Use Plan for Clean Water SRF
4. Notice of SRPEDD meeting cancellation

5. Spring 2010 Taunton River Coalition Conservation & Nature Series
6. Notice of free legal advice for Veterans on April 29, 2010
7. Department of Revenue Bulletin: FY11 Budget Issues and Procedures
Selectman Yeatts stated that she asked Ms. Garbitt in September to ask the School Department to have Cindy McRae, Town Accountant, sign off before they send in their enrollment for October 1st.
8. Notice from Verizon on various inserts
9. Letter from Comcast regarding change in schedule for Expanded Basic Channel Changes
10. Letter from Comcast regarding channel changes
11. Letter from DEP regarding Waterways License for Betty's Neck Farm, Inc.
Selectman Yeatts stated that this document, dated December 21, 2009, still has the piece of land owned by someone else, and it is owned by the Town of Lakeville. She will follow up on this to make sure that it is corrected. It has been Lakeville's since 2002.
12. Application to the DEP from Dave & Theresa Krijger for pier/dock
13. Letter from U.S. Department of Homeland Security regarding Flood Insurance Rate Maps
14. 2010 Annual Notice Filing from Comcast

Adjournment

At 8:15 PM, upon a motion made by Selectman Evirs with Acting Chair Yeatts stepping down to second and stepping back up to vote, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open 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. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel. Specifically, the Board will discuss contract negotiations with non-union personnel.

Polled Vote: Selectman Yeatts – aye and Selectman Evirs –aye.