

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
March 28, 2011 7:00 PM

On March 28, 2011, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 7:00 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow was recording for The Middleborough Gazette and James Cosgrove was recording for Comcast.

7:00 PM Dog Hearing – Kevin Gaynor

Chair Yeatts then read the letter sent to the dog owners.

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

VOTED: To open the dog hearing
Unanimous in favor.

Chair Yeatts then summarized MGL 140, Section 157 and swore in witnesses and those who would be speaking: David Frates, Animal Control Officer, Kevin Gaynor, dog owner, Karin Burnes, girlfriend of dog owner, and Robert Mahoney, man who was bitten.

Mr. Mahoney was given the floor to explain what had happened. He was running around the block and was about 150 feet away from the driveway. Unprovoked, the dog ran up to him and bit him in the backside, ripping his pants. Mr. Mahoney said he had to go to emergency room to have shots. There were no stitches. Pictures were shown of the bruised area on Mr. Mahoney, and he showed the Board the actual ripped jogging pants that he had been wearing the day of the incident. Mr. Mahoney said this is the second time that the same dog went after him, but the first time he did not report the incident. Chair Yeatts explained that the Board cannot talk about the first incident since no complaint was filed.

Mr. Gaynor stated that he is certified in French ring decoy and trains dogs for the State. He did not deny that the dog got out of the house. He was bringing in groceries and the dog got free from the living room area. The back yard is fully enclosed with a six foot fence. Mr. Gaynor stated that the pictures were taken well after the day the bite was taken to show those bruises. The bruising could have been the dog jumping up and scraping him with his paw. Mr. Gaynor said the dog was originally found on the side of the road as a stray and is licensed and rabied. Mr. Frates stated that he arrived at the scene when everything was over. Mr. Gaynor had told him the same story about the dog getting out when they were bringing in groceries. Since no collar could be found, he left the line blank regarding if the dog was licensed. Jared Darling, Animal Inspector, typically checks license information when he does his report. Selectman Maksy pointed out that there are two (2) dogs in some of the pictures. Do we know which dog bit Mr. Mahoney? Chair Yeatts asked who the child was. Ms. Burnes responded that it was her grandson. Mr. Gaynor, her daughter and her grandson moved into her home about ten (10) months ago. Mr. Gaynor stated that the dog is currently at the home.

Selectman Olivier asked about Mr. Gaynor being a trainer and the dogs listening to his commands. Mr. Gaynor explained that this particular dog was a rescue. He has kept the dog as a pet and has not trained the dog to attack. He did call the dog when it ran out of the house. The dog is a house dog. He is never walked, but is played with in the backyard with the kids. Mr. Frates stated that the fence in the back yard is adequate. There have not been any complaints on the dog before this incident. Mr. Gaynor explained that since the incident he has taken further measures with the dog, including an electric collar for him. Unfortunately the neighborhood does not allow a fence in the front yard. Selectman Olivier asked how the dog got out. Mr. Gaynor explained that there is a sliding door that enters to the kitchen and the hallway, and someone opened the door and the dog scooted through when they were bringing in groceries. Selectman Olivier asked if that happens often. Mr. Gaynor responded that it was the first time it happened. Mr. Mahoney stated that that is not the first time that the dog got out. The dog saw him and crouched, the fur went up and he charged. Mr. Mahoney said that he owns a dog and loves dogs. He did not want to see anything happen to the dog, but he runs in the neighborhood; there are also little kids there. He knows the dog owner feels bad that it happened. Selectman Maksy asked for Mr. Mahoney to look at the picture to see if knew which dog it was that had bitten him. Mr. Mahoney looked and responded that he was getting attacked and does not know which dog that it was.

Mr. Mahoney showed the pants that he had been wearing at the time and the rip in them, which was about 5 inches long. Selectman Maksy stated that he has to believe that the dog got out of the house and did something aggressive to this gentleman. The dog was a stray when you got it. You do not know what a dog is going to do. Mr. Gaynor stated that Mr. Mahoney has gone through a lot of trouble to say that this is the second time this happened. Mr. Gaynor said he has only been dating Ms. Burne's daughter for a year and he has also been deployed, so he was unsure if it was his dog that attacked Mr. Mahoney the first time that this allegedly happened. Chair Yeatts stated that the Board is not talking about the first time. Mr. Mahoney stated that he hoped that everyone is not back here a year or so from now with something worse. Selectman Maksy explained that it is the job of the Board to make sure that it does not happen again. Chair Yeatts asked if Mr. Gaynor is willing to purchase the training collar and electric underground fence. Mr. Gaynor responded that he is saving for the system, which is about \$1,800. The system will go around the front yard once, then again for the fail safe; then there are 6 prongs around the collar to give the dog the ultimate response. Chair Yeatts asked if this will work. Mr. Frates explained that he has used this system with his own dogs, and it does work. Chair Yeatts asked what should be done in the meantime, before the collar and system is put into place. Mr. Frates suggested a baby/child gate until the front is fixed, and the dog will need to stay in the back yard.

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

VOTED: To close the dog hearing.
Unanimous in favor.

Selectman Olivier stated that the dog has to be kept out of the street. He said that citizens have a right to jog in the road. Once the fence is set up, it should be adequate protection for children and people in the neighborhood. But, there is concern in the meantime that this could

happen again. He does not want this to happen again while waiting for the electric fence. Selectman Maksy stated that the Board has ordered dogs to be muzzled in the house before. The concern is that the collar would not be on the dog and if the dog gets out, it could be a little kid next time. Mr. Frates suggested that the dog be kept in a back room. You cannot muzzle a dog for an extended period of time since it is difficult for them to breathe through the muzzle. Mr. Frates said that a baby gate could be put up in the house. The gate on the outside of the back yard fence was closed and had a lock on it. Selectman Maksy stated that he felt that the dog should be out in the fenced in area. The adults are to blame here. You can punish the dog, but it was the adults that let the dog out. Chair Yeatts suggested that the dog be placed in the shelter and stay in the shelter until the fence is up. The owner would have to pay room and board until the fence is up. Mr. Frates agreed that the dog could stay in the quarantine room.

Selectman Maksy stated that he did not think that the electric fence is a solution. If the collar is not on the dog, there is still the risk. The Board could request a kennel in the back yard. Chair Yeatts stated that it could be set as a condition, that they do not remove the collar. Selectman Maksy stated that they would probably rather keep the dog in a back room so that they do not have to pay room and board for the dog. He would feel better if the dog is out in the pen or a secured room in the house. Selectman Olivier stated that nothing has been mentioned about further training for the dog. Selectman Maksy stated that the Board could have the dog sent to obedience school. Chair Yeatts asked if the dog has a collar on. Mr. Gaynor responded that both dogs have collars on. Selectman Maksy stated that the dog should not be coming out front at all. The underground fence is false security. There is still the possibility that the batteries might fail in the collar or the collar might be off the dog. Chair Yeatts responded that it is a failsafe to put up the fence, which Mr. Gaynor is willing to do. Keeping the dog in the backyard is good too. Selectman Maksy stated that it still does not protect the person walking down the street who does not know there is an underground fence there in the front. The dog should be kept in the fenced yard in the back. Selectman Olivier stated that he can intend on doing that, but the underground fence is needed if the dog gets out again. The Board can make the stipulation that the dog stays in the back and have the fence installed in the front. Mr. Frates stated that he put the collar on his dog full blast the first few times and the dog did not want to even come out the front door. It does work. Selectman Maksy asked if Mr. Gaynor would have both dogs trained. Mr. Gaynor responded that he would and when there is no one home, the dogs are put in the basement.

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

VOTED: That the dog will be secured in the back fenced in yard. An invisible fence will be installed in the front yard and the dogs are to keep their collars on at all times. Until such time that the invisible fence is installed, the dogs will be in the basement when no one is home. Notification will be provided to the Selectmen's Office when the fence is installed, which is to be within four (4) months of this hearing. The dogs are to attend training and the certificates stating that training has been provided will be delivered to the Selectmen's Office within six (6) months.

Unanimous in favor.

Chair Yeatts asked if there were any medical bills. Mr. Mahoney responded that there was an emergency room bill for \$100.

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

VOTED: That Kevin Gaynor will pay the medical bill incurred by Mr. Mahoney in the amount of One Hundred (\$100.00) Dollars to the Selectmen's Office.
Unanimous in favor.

7:30 PM Meet with Christopher Peck to discuss Columbia Gas Road Cut Request

Christopher Peck, Superintendent of Streets, was present for the discussion. Mr. Peck explained that Columbia Gas (formerly Bay State Gas) has applied for a permit for two (2) road cuts. One is for a 6 inch gas main from 42 Taunton Street to Leonard Street. The gas line is approximately one (1) mile in length. Mr. Peck said he would like to meet with Columbia Gas to see what kind of trench they are proposing since this is not a usual road cut. Hopefully they can overlay the entire road when the work is completed. Selectman Maksy asked if they will be doing the taps on the pipes as well. Mr. Peck responded that they will be doing that, so the line will be crossing back and forth the entire road. It is not known if they will close the road when they do this work. Ms. Craig mentioned that they have a bond for \$5000-\$20,000 maximum. The typical road opening bond is \$2,500. She was not sure if the Board would like to ask for an additional bond. Chair Yeatts stated that typically the need is not for a mile long opening. Mr. Peck will need to determine how much is needed for a bond. Selectman Maksy asked since the road is going to be open, should the Town think about a water main going in as well. Chair Yeatts stated that the City of Taunton would be looking to Lakeville to put that in since Lakeville will be looking to take over the water in the future. Selectman Maksy mentioned that they are talking about a loop system, and that might have some bearing on this, they might want to. Chair Yeatts agreed that that might be a possibility.

8:00 PM Meet with School Committee to appoint Joseph Simas, Jr. to Old Colony Regional Vocational Technical High School Committee

Present for the meeting were Charlene Shea, David Davenport, Aaron Burke, and David McQueeney of the Lakeville School Committee. Also present was Gordon Goodfellow, Town Moderator. Aaron Burke, School Committee Chairman, called their meeting to order at 8:05 PM.

Mr. Goodfellow asked for nominations from the floor.

Upon a motion made by Mr. McQueeney; seconded by Ms. Shea it was:

VOTED: To appoint Joseph Simas, Jr. to the Old Colony Regional Vocational Technical High School Committee for a three (3) year term to expire April 30, 2014.
Unanimous in favor.

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

VOTED: To appoint Joseph Simas, Jr. to the Old Colony Regional Vocational Technical High School Committee for a three (3) year term to expire April 30, 2014.
Unanimous in favor.

Upon a motion made by Ms. Shea; seconded by Mr. Davenport, it was:

VOTED: To adjourn the School Committee meeting at 8:20 PM.
Unanimous in favor.

8:15 PM Earth Removal Permit Hearing: 1 Andrea Avenue – Israel England

Chair Yeatts read the letter into the record regarding the Earth Removal Permit application for 1 Andrea Avenue. Richard Burr from Ryco was present for Israel England. He provided the certified mail green cards to Ms. Garbitt. He stated that 19 cards had been sent out and one (1) envelope was returned today.

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

VOTED: To open the hearing.
Unanimous in favor.

Chair Yeatts stated that she had not been able to go and look at the site. Selectman Maksy and Selectman Olivier had visited the site. Chair Yeatts asked for the letter from the Open Space Committee and the letter from Christopher Peck, Superintendent of Streets, read into the record.

Selectman Maksy stated that the Town does not have any set regulations on minimum or maximum gravel removal amounts. Selectman Olivier stated that he did visit the site and there was a pile of dirt where they then built a swimming pool. Mr. Burr said that last year, a septic system was installed for the previous owner of the property. They made a 2 to 1 slope. The trees will stay on County Road to serve as a buffer. Stone will be put on the entire entrance way of the truck route. The loam that is there will be removed and saved. Once the gravel is removed, the loam will be put back. Chair Yeatts then reviewed #1 in Mr. Peck's letter. She stated that if the Board approves this tonight, the work cannot be started until the items the Superintendent of Streets is asking to be done are completed. Ms. Garbitt stated that the Town does not have all of the green cards from the certified mailing back, and there is an abutter present who did not get a certified mail notice of the hearing. She learned of it from another abutter. Claudia Kirk said that she has owned her piece of property, which abuts the area that the Selectmen have been identifying as "the hill". It is not a year round residence, but it is a slice of heaven to her. Last year she was wondering what was going on with the hill coming down. She can see the whole back part of their house. Before, there was the tree buffer and now as the hill is coming down, the trees are getting uprooted. Are you going further into the hill? Mr. Burr showed on the plan what is taking place. He stated that they are working more towards County Road; no more will be done with that hill. Linda Grubb, Chair of the Open Space Committee, referred to Section 8 of the Earth Removal By law. With this property, the boundary is only 116 feet, and if

they have to stay 100 feet away from the property line, she does not know how you can take anything out. The bylaw for Earth Removal, Page 15, Section 8 under General Limitations states that the Board can waive these requirements if they are satisfied that the removal will not be detrimental to the neighborhood. Ms. Grubb said she would consider this to be detrimental. Selectman Olivier asked for Ms. Grubb to come up and view the plan. Ms. Grubb stated that the Town bylaw states no removal within 400 feet of a public way, and the whole property is within that. This is a non-conforming lot and they are taking out a lot of fill. 2,000 yards is 20 trucks and to her it is not an appropriate thing to do. Selectman Maksy stated that he feels the hill will be stabilized, since it will be loamed and seeded. Ms. Grubb asked why do we have the bylaws if the Board is not following them. Selectman Olivier responded the bylaw is in case they were going to cut like a knife and take all this away. He thought at first it was going to be that way. Ms. Grubb stated that she wanted to let the Board know that she objected to the gravel removal. This is less than an acre of land, and they are taking 20 truckloads of material off the site.

Selectman Maksy explained that right now the Board cannot force them to put any loam or seed down. This is an opportunity to make this a better site for the neighbors. Chair Yeatts stated that she is not ready this evening to make a decision. She would like to see the items put on the plan that the Superintendent of Streets has asked for. Selectman Olivier stated that he would like to take another visit out to the site. Chair Yeatts expressed the concern about erosion from the Planning Board. Selectman Olivier and Chair Yeatts will view the site at 8:00 AM on Saturday, April 2, 2011.

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

VOTED: To continue the Andrea Avenue Gravel Removal Permit to April 19th at 7:00 PM.
Unanimous in favor.

8:30 PM Earth Removal Permit Hearing: Ted Williams Camp – G. Lopes Construction

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

VOTED: To open the hearing for the Earth Removal Permit for the Ted Williams Camp.
Unanimous in favor.

Gilbert Lopes from G. Lopes Construction and Daniel Hopkins, Chairman of the Park Commission, were present for the discussion. Chair Yeatts read the permit request into the record for G. Lopes Construction, Inc. She then read the letter from Christopher Peck, Superintendent of Streets, into the record.

Ms. Craig stated that the Town received back the majority of the green cards, but did not get one from the Taunton Water Department and approximately four (4) others. Chair Yeatts asked if there was anything to be done about notifying people that did not pick up their notices. Ms. Garbitt explained that in this case, the Town knows that all notifications were sent out. It takes a while for certified mail to come back. Ms. Craig stated that she sent out 78 notices and she used a 300 feet buffer to ensure that she got all abutters.

Mr. Hopkins explained that the Park Commission has been trying to have this work done since 2008 to make additional ball fields at the Camp. There have been issues with the turtles, and they have been dealing with them. Originally, the existing gravel pit was going to be used to make ball fields; however, due to the turtles, they had to change the plans and relocate the fields. Chair Yeatts asked how much of a buffer was being left. Mr. Hopkins responded that it is 50 feet. Mr. Paquin then showed where his mother's house is located. He was wondering if there is going to be any type of fence installed. Mr. Hopkins responded that if he wants a fence, one can be installed the entire length. Mr. Paquin stated that people always cut through the property, and he would like to prevent that. He would also like to stop the sound from traveling. Mr. Lopes stated that an earthen berm would stop the sound. Mr. Hopkins stated that the fields will be sunken; however, something can be worked out. Dana Menzel, abutter, stated that he did not have a problem with what was going on. He did not want all the trees to be taken down. John Meleedy had a question on the timeframe. Mr. Lopes responded that it would approximately three (3) years, and it will depend on the economy. Realistically it will take two (2) years to remove the gravel, but three (3) years is being stated since we are in a very difficult economy. There will be another project to complete the fields. Mr. Meleedy asked how many trucks a day. Mr. Lopes responded possibly 40-50 a day. Mark Knox, abutter, asked if there any plans to remove gravel on Saturdays or is it to be only Monday-Friday. Chair Yeatts responded that earth removal is typically not done on weekends. Mr. Lopes stated that they would not be opposed to that. Mr. Paquin asked about stone crushers. Mr. Lopes responded that they will be screening, but not rock crushing.

Mr. Knox asked to hear the conditions before the meeting is closed. Chair Yeatts then read the conditions of the earth removal permit. Mr. Lopes mentioned that the Town already has over weight trucks using the road, and it would not be fair to make him responsible for damages to the road. Chair Yeatts stated that all trucks will exit to Route 18. Mr. Lopes stated that they need to go south with a majority of the material. Ms. Craig explained that the Town does not ask for bonds for road damage anymore; the Town now requires Certificates of Insurance. Mr. Lopes asked why he is being discriminated against. He pays enough taxes and insures his trucks. Chair Yeatts stated that for a route of travel, the trucks will exit onto Route 18 going right or left. Selectman Maksy suggested that all permits should then be done like this, they have a right to use the roads. If Mr. Lopes' trucks damaged any roads, we would still have to prove his truck did it. Chair Yeatts stated that the Board needs to be very careful of doing something different for our municipal project compared to what has been done for everyone else. Mr. Lopes stated that he will be taking a left and a right onto Bedford Street. He may be taking a right then right again onto Precinct Street and take Route 79 out of town. Chair Yeatts stated that there would be no removal on Saturdays, Sundays or any other holiday. The hours would be 7:30 AM to 4:30 PM Monday through Friday. Equipment operation hours will be 7:00 AM to 4:30 PM. Ms. Craig asked how the Town will keep track of the amounts of gravel removed. Mr. Hopkins stated that the Park Commission will submit the receipts and keep track of them. Ms. Craig asked if the Board would like the Earth Removal Permit to read that the paperwork will be provided on a weekly basis. Mr. Lopes stated that it will be a daily basis. Selectman Maksy asked if the Town was waiving the administrative fee. Chair Yeatts responded yes. Discussion occurred regarding on-site screening. Mr. Lopes stated that it is a must; it is no more noise than a loader. There will be no rock crushing. Chair Yeatts stated that the Board wants him to

position the screening equipment so that it will be away from the neighbors. There will not be any blasting or crushing of the materials, just removal and sorting.

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

VOTED: To close the hearing.
Unanimous in favor.

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

VOTED: To approve the permit with the conditions set forth by the Superintendent of Streets and with the conditions discussed by the Board of Selectmen.
Unanimous in favor.

Discuss postponing Annual Town Meeting and scheduling Special Town Meeting

Ms. Garbitt stated that the Town of Freetown has secured the High School for their Annual Town Meeting on June 6, 2011, so Lakeville could schedule their meeting for June 13th. The Board can look to schedule the meeting in May, however, that might be too early. Chair Yeatts suggested postponing the Annual Town Meeting until Monday, June 13, 2011 at the Apponequet High School gym.

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

VOTED: To postpone the Annual Town Meeting until June 13, 2011.
Unanimous in favor.

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

VOTED: To schedule a Special Town Meeting for June 13, 2011 and to open the warrant.
Unanimous in favor.

Ms. Garbitt suggested keeping the warrant open for the Special Town Meeting for two (2) weeks.

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

VOTED: To close the warrant on April 11, 2011 at 5:00 PM.
Unanimous in favor.

Review Warrant Articles for Annual Town Meeting

Daniel Hopkins was present for the discussion. Mr. Hopkins explained that the Park Commission's warrant article is to continue the renovation project that is being done now at the Commissary Building, using money from the Lakeville Development Corporation (LDC). However, the LDC is running out of money, so money needs to be borrowed to continue the

project. The borrowed money will be paid for from the sale of the gravel. The Park Commission voted to request \$500,000. Mr. Hopkins said that approximately \$850,000 is expected in revenue from the gravel. Ms. Garbitt stated that out of those funds, the Park Commission has to pay back some of the money for the water connections, which is about \$60,000. Chair Yeatts stated that the septic system will be approximately \$100,000. Horsley and Whitten did the design for free since the Town got selected from the State for the project. Chair Yeatts said the driveway from Precinct Street is being paved all the way through. Mr. Hopkins stated that he did not know how much that is, but that is one of the goals. Once we get the funding, then we can continue on the front portion of the project, which the students from Old Colony cannot do. Selectman Maksy stated that he was going to make a suggestion to put about \$200,000 back in the Reserve Fund since the Park Commission has been eating a lot of that up. Ms. Garbitt asked about the sprinkler system for the building. Selectman Maksy stated that it is mainly just the kitchen area to worry about. Ms. Garbitt stated that the Park Commission has used \$50-60,000 in retained earnings over the past few years. Selectman Olivier stated that a sentence needs to be added that the proceeds will be used to pay the principal and interest of the short term bond.

Chair Yeatts then went over the remaining items for the Annual Town Meeting Warrant. Ms. Garbitt stated that the Zoning By-laws are being reviewed by Town Counsel for the Planning Board hearing. Selectman Maksy stated that he would like counsel to check the compliance of Section 3.1.3 of the Outdoor Lighting By-law since he did not think the law allows you to go back for those who are already permitted and make them change and the 3.3 section regarding prohibited, anything not specifically listed is already prohibited in our bylaw so you do not have to list it. Ms. Garbitt stated that this will be brought to the attention of Town Counsel as soon as possible. Selectman Maksy stated that it is also unreasonable to have a lighting plan for someone that is going to get an addition or just remodel. They just need to meet the requirement on whatever they buy. 5.1.2 and 5.2, all of Section 5 should be reviewed. Chair Yeatts stated that she would like to compare this to the previous by-law to see what the changes are.

Discuss scheduling May and June Board of Selectmen meetings

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

VOTED: To schedule the May and June Board of Selectmen meetings for May 9 & May 23, 2011 and June 6 & June 27, 2011 and June 13, 2011 (Annual and Special Town Meeting.
Unanimous in favor.

Discuss scheduling meeting with Non-Union Personnel and Retirees

Ms. Garbitt asked the Board about scheduling a meeting with non-union personnel and retirees to discuss changes to health insurance.

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

VOTED: To schedule a meeting with Non-Union Personnel and Retirees for Thursday, April 21st at the Senior Center at 7:00 PM.
Unanimous in favor.

Review and discuss FY12 Budgets for Region

Chair Yeats said this is just an informational item for the Board of Selectmen since there is a meeting on Thursday at the IMC to discuss this.

Review and discuss Declaration of Restrictions for Ted Williams Camp and Howland Road for Natural Heritage

Daniel Hopkins was present for the discussion. He stated that the Park Commission did not officially take a vote, but has discussed this a number of times. Chair Yeatts explained that to get a permit through Natural Heritage, the Town had to put another restriction on the Howland Road piece of land. Also, a restriction had to be put on ten (10) acres of the Ted Williams Camp. That aspect has not been completely figured out, some kind of affidavit may have to be done, but that cannot be done tonight. Selectman Maksy asked if the LDC can hold it. Chair Yeatts stated that the Conservation Commission will oversee it. Town Counsel has said that the Board can vote on the Declaration of Restriction for the Howland Road piece, but the Camp restriction is not ready yet.

Ms. Grubb stated that she would like to have a copy of the document that the Board is reviewing since the Conservation Commission may be able to help you find someone to hold the deed restriction. Chair Yeatts stated that Ms. Grubb would be given a copy. Audubon already holds the Deed Restriction on the Howland Road property. The most inexpensive and reasonable way is to add onto what they already have. Ms. Garbitt stated that Town Meeting did not approve a separate restriction. Natural Heritage just wants to make sure that the land on Howland Road is not developed. Ms. Garbitt stated that Town Meeting will have to discuss putting a restriction on the ten (10) acres at Ted Williams Camp too. This will be put on the agenda for March 31st to have the Board sign since the Board will be meeting again.

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

VOTED: To place the Declaration of Restriction for the Howland Road property on the March 21, 2011 agenda.
Unanimous in favor.

Review and discuss draft Policy for Appointments to Town Boards, Committees, and Commissions

Selectman Maksy stated that for the most part the draft policy is suitable, and we can amend it when we want to. Chair Yeatts asked if the Board wants the applicants to be registered voters. Her thought is that if it was someone from another town that could be okay. Selectman Maksy

stated that he would like letters of interest to be submitted to the Board of Selectmen. Applicants for full membership must be a registered voter for the Town of Lakeville. Selectman Maksy stated that basically any voting member on a committee must be a registered voter. Chair Yeatts suggested that reappointment shall be subject to attendance at meetings. Chair Yeatts stated that at the Board's discretion non voting members may be appointed to various committees. The policy will be amended for the Board to review again.

Review and discuss proposed Charge for Building Feasibility Study Review Committee

Selectman Olivier read the charge into the record. Selectman Maksy stated that he was going to also ask them to look at the Assessors Building and the Assawompset School. Ms. Garbitt suggested changing it from just the Assessors to Town Office/Assessors. Selectman Maksy suggested including the Highway Garage. Ms. Garbitt stated that it was included originally. Chair Yeatts stated that the charge will change so that it reads, "investigate all the buildings that were reviewed in the previous feasibility study".

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

VOTED: To adopt the charge as amended for the Building Feasibility Study Review Committee and the date is to be September 1st.
Unanimous in favor.

Appointment of Finance Committee and Capital Expenditures Committee Members to Building Feasibility Study Review Committee

Chair Yeatts noted that the Board needed to appoint a member of the Finance Committee and Capital Expenditures Committee to the Building Feasibility Study Review Committee.

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

VOTED: To appoint Norman Orrall from the Finance Committee and David Morwick from the Capital Expenditures Committee to the Building Feasibility Study Review Committee with terms to expire on July 31, 2011.
Unanimous in favor.

Revisit Temporary Mobile Home Permit-225 Bedford Street – American Mobile Homes

Chair Yeatts explained that the permit was for the house that burned down at 225 Bedford Street. The applicant has hired a builder and is in the process of getting a building permit.

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

VOTED: To approve the Temporary Mobile Home Permit for 225 Bedford Street for a period of six (6) months.
Unanimous in favor.

Discuss MASSPIRG letter regarding Expanded Bottle Bill

Chair Yeatts stated that she had asked Ms. Craig to contact the MMA about this. Ms. Grubb stated that a substantial amount of the increase will go to DEP. Selectman Maksy stated that this is a tax and another cost on the consumer. Chair Yeatts stated that if any of the Board members are in favor of the bill, they can write a letter of support as an individual.

Request from Police Chief for appointment of two (2) Reserve Police Officers

Chair Yeatts read the letter from Chief Alvilhiera requesting the appointment of two (2) Reserve Police Officers.

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

VOTED: To appoint Nicholas Wade and Katie Farrell as Reserve Police Officers with their appointments contingent upon a completion of a Department approved physical, physical abilities test and completion of Police Department firearms qualifications with terms to expire on July 31, 2011.
Unanimous in favor.

Request for Curb Cut – 15 Highland Road – Alfred Kennedy

Christopher Peck, Superintendent of Streets, was present for the discussion. Mr. Peck stated that the placement of the driveway is in the best location that it can be. Selectman Olivier asked about the set back of 20' and this was explained by Mr. Peck. Chair Yeatts read the letter from Mr. Peck into the record.

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

VOTED: To approve the request for a Curb Cut at 15 Highland Road according to the conditions as outlined by Mr. Peck's letter dated March 23, 2011.
Unanimous in favor.

Discuss renewed Earth Removal and Stockpile Permits: 119 Bedford Street; 2 Commercial Drive; 1 Elliot Way; Off Bedford Street (TL Edwards); 1 Susan Lane; 118 South Pickens Street and 150 Rhode Island Road

Ms. Craig explained that due to the legislation that Governor Patrick signed into law, Act Relative to Economic Development Reorganization on August 5, 2010, any permits that involved the "use or development of real property", were automatically extended for a two (2) year period. Town Counsel was consulted about Earth Removal Permits, and they said that Earth Removal and Stockpile Permits would also be included. All permits that were in effect as of August 5, 2010 are automatically in effect for another two (2) years, however, they have to meet the conditions of the permit and pay the fees. The Town should still keep a one (1) year expiration date so that the mechanism is in place to obtain the fees on a timely basis. Ms. Craig said that all of the permit holders sent in renewal forms.

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

VOTED: To sign Earth Removal Permits for Bruce Taylor, KCLS, Glenn Chistolini, T.L. Edwards, Alan Butler, Roberto Rubini, and Emery Orrall with an expiration of March 31, 2012, subject to the Building Commissioner inspecting the permit sites to ensure that they are meeting the conditions on their permits.
Unanimous in favor.

Request for appointment of Selectmen's SRPEDD Commissioner and JTPG Delegate

Chair Yeatts read the letter for the request. It was noted that the Planning Board has not designated a representative yet.

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

VOTED: To appoint Rita Garbitt as representative of the Selectmen to SRPEDD.
Unanimous in favor.

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

VOTED: To appoint Christopher Peck as the representative for Lakeville and Rita Garbitt as an alternate representative to the Joint Transportation Planning Group.
Unanimous in favor.

Review and vote to approve Selectmen Meeting minutes of December 20, 2010; January 11, 2011 and February 7, 2011

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

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

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

VOTED: To approve the Selectmen's Meeting Minutes of January 11, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectman's Meeting Minutes of February 7, 2011 as presented.
In favor 1, Abstain 1

Review and vote to approve Executive Session Meeting Minutes of March 21, 2011

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

VOTED: To approve the Executive Session Meeting Minutes of March 21, 2011 as presented.
Unanimous in favor.

New Business

Chair Yeatts stated that she had gone to the State House last Wednesday and would like to update the Board on what took place. Representative Steve Canessa brought everyone together with Jack O'Neil and Sherry Clancy of National Development. The discussion lasted about two (2) hours. The discussion included things that were not going to be happening with the site and options that had already been tried. April Anderson said the problem is that the site is privately owned. If it was owned by the Town, then the Town would be eligible for all kinds of grant money.

Larry Simpson of the Energy Advisory Committee said the Energy Advisory Committee has been working on the Green Communities Designation. More and more, if we look at the site as a larger growth district, with its potential, it may create some larger synergies that may trigger private investment to move forward. If we can secure some of the public monies to do some demonstration projects that would be beneficial. Mr. Simpson said if the Town has a Green Communities Designation, it might attract some companies to build at that site. Chair Yeatts stated that Lakeville's State Legislators will send someone from Mass Development in to speak with the Board.

Old Business

Chair Yeatts stated that Representative Canessa told her which three Congressmen to send the letters to regarding the cuts to the Clean Drinking Water State Revolving Fund cuts when she was at the State House last week.

Chair Yeatts then updated the Board on the pond levels for Assawompset. She stated that Representative Canessa will be holding a public meeting to discuss the pond levels on April 11, 2011 at the Joe Simas Lecture Hall at 7:00 PM. Chair Yeatts said the level today was 53.79. This information has is posted weekly on the Town's website.

Other Items

1. Copies of letters regarding donations to the Animal Shelter
2. Letter from Comcast regarding Preliminary Assessment of Denial

Chair Yeatts noted that the Cable Committee rejected the Comcast offer. Nothing further needs to be done at this time.

3. Notice from SRPEDD regarding assistance with Capital Item purchasing
Chair Yeatts asked if this information had been distributed. Ms. Garbitt stated that she had passed the information onto the Fire, Police and Highway Departments.
4. Letter from DCS Energy regarding Solar Energy
5. Information from Gateway Health Group regarding Wellness Incentive Program
Ms. Garbitt stated that Lakeville received a check from Blue Cross for participating in the Wellness Incentive Program. The amount of the check covered almost the entire cost of the program. The Town has extended it an additional year and allowed for spouses to also participate.
6. MBTA Advisory Board meeting notice-March 23, 2011
7. Notice for Lieutenant Governor's Office regarding Mass Works Infrastructure Program
8. MMA letter regarding MIAA Health Program
9. Stormwater Management Conference-April 20, 2011
10. Notice from CHAPA regarding Affordable Housing
11. Various Verizon Notices
12. Notice from Mass Audubon regarding Green Communities Act
13. Memo from Town Counsel regarding New Regulations from the State Ethics Commission
14. Letter from Comprehensive Environmental Inc. regarding various publications
15. SRPEDD Annual Award Request for Nominations
16. Letter from Kristina Egan regarding the Draft Environmental Impact Statement and Report for South Coast Rail
17. Letter from CDM regarding Certificate of Project Completion for the new Pump Station
18. Greater Attleboro/Taunton Home Consortium Agenda for March 24, 2011 Meeting
19. Letter to the Regional School Committee regarding Teachers' Union Contract Negotiations
20. Letter from DEP approving the new Pump Station

At 11:12 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

VOTED: To enter into Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel, to discuss strategy with respect to the pending litigation and the collective bargaining agreements with the Fire and Police Unions because an open meeting may have a detrimental effect on the bargaining and litigating position of the Board, and to consider the purchase, exchange, lease or value of real estate because an open meeting may have a detrimental effect on the negotiating position of the Board and not return to Open Session.

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