

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**April 25, 2011 - 7:00 PM**

On April 25, 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 Chairman Olivier at 7:01 PM. Selectmen present were: Selectman Belliveau, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. James O'Leary for The Middleborough Gazette and James Cosgrove for Comcast were recording the meeting.

**7:00 PM Earth Removal Permit Hearing – Kurt Radke – 5 Main Street**

*Jamie Bissonette from Prime Engineering was present representing Kurt Radke. Mr. Bissonette handed the green certified mailing cards and the abutters list to Ms. Garbitt for verification. Chairman Olivier read the notice into the record.*

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

VOTED: To open the hearing.  
Unanimous in favor.

Mr. Bissonette used a map layout to show where the N.E. Rent-All building was and explained about the lot. There is a tremendous amount of stone and gravel that needs to be taken out of the lot for monetary purposes and building purposes. A plan has been put together for controlling the extraction of the stone and gravel, while keeping the natural area of the property. Selectman Maksy stated that the Superintendent of Streets asked how the land would be stabilized. Mr. Bissonette explained that rip rap and other means will be used. Selectman Maksy asked about the tracking pad. Mr. Bissonette responded that right now the trucks have to come out onto Main Street, which is from his own driveway. Chairman Olivier read the letter from Christopher Peck, Superintendent of Streets, into the record.

Chairman Olivier asked where the trucks will be going. Mr. Bissonette explained that different vendors will be used and take what they need to different sites. It is not a presold deal. This has not been before the Conservation Commission yet. Vernal pools act a little differently than a traditional wetland area. Chairman Olivier asked about the estimated amount that will be taken out. Will it be 30,000 cubic yards? Mr. Bissonette responded that was correct. The applicant would like to spread this project out over a two (2) to three (3) year period since he is not in the gravel business. Richard Aaron of 8 Main Street asked what regulations and provisions are made to prevent him from having to have his windows cleaned due to the dust bowl that is there and what will take place with what is being proposed. How much expansion will there be with rental vehicles? Mr. Bissonette responded that the future development of the two (2) parcels is not planned right now. It is inevitable that there will be a building in the future. As they take the gravel out, they will put loam in and seed it. They will be taking a lot of the sand and gravel off the site and then reseed it. Mr. Aaron asked what are the requirements of the Town. Chairman Olivier responded that the Selectman can make it a requirement. Mr. Aaron asked about the start-up times with equipment. Selectman Maksy stated that the Board

can look into the dust issues to see if that can be resolved, but the present business is not part of this application. Ms. Garbitt stated that the Board can set the hours of operation for the site. Also, the Building Commissioner can be consulted about what is presently going on at the site at 6:30 AM on Sundays. Mr. Aaron asked if there is supposed to be some type of berm on Rhode Island Road. The neighbors are concerned about that. Selectman Maksy stated that the Board will have to look into that also. Chairman Olivier stated that he would like to do a site visit. Ms. Garbitt mentioned that sometimes the Board does not approve an application until the Planning Board has given their approval. The Planning Board wants to know how many trucks will be going in and out of the site and the route of travel. This is an item that typically is determined during the hearing. Perhaps a joint meeting between the two (2) Boards should be scheduled. It says all applications and renewals will go to the Planning Board on Page 18, Section 12. The Planning Board wants to know the conditions, yet the Board does not set them until after the hearing. Chairman Olivier stated that he did not have a problem with setting the conditions. The Planning Board could be invited to the next Selectmen's meeting. Ms. Garbitt will ask for clarification from the Planning Board.

Mr. Bissonette stated that the vernal pool has no buffer zone. Ms. Garbitt asked if it is Natural Heritage territory? Mr. Bissonette responded that it is. They have wanted updates, but they need us to have a scope of the terms before we send it up to them for an approval. Selectman Maksy stated that the Board needs to know about the berm situation and the amount of trucks that will be going in and out of the site. The Board decided that they would meet on the site on Saturday, April 30 at 8:00 AM and Mr. Bissonette will be present.

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

VOTED: To continue the hearing until May 9, 2011 at 8:00 PM.  
Unanimous in favor.

### **7:30 PM Meet with Mark Walter to discuss 2011 Patriot Half Triathlon**

*Mark Walter was present for the discussion.* Mr. Walter stated that there has been a change in the route since last year. The section where the bikes crossover the intersections has been eliminated. The route will go through Old Powder House Road, then south along Route 18, left onto Long Point Road. He has been in touch with the Police and Fire Chiefs. Ms. Garbitt stated that a few residents did come in and ask if it had already happened. Discussion occurred regarding notification of the residents along the route.

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

VOTED: To approve the 2011 Patriot Half Triathlon to be held on June 18, 2011 with the Fire and Police Chief comments, and a sign to be placed on Highland Street/Long Point Road notifying residents of the race.  
Unanimous in favor.

**7:45 PM Meet with Christopher Peck to discuss Columbia Gas road cuts and request for return of bond – Marcus Baptist Earth Removal Project – Precinct Street**

*Christopher Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck had met with several representatives from Columbia Gas regarding their request for Road Opening Permits for North Precinct and Taunton Street and 42 Taunton Street along Taunton Street to the Town Line. The road cut appeared to be going down the center of the street, however, it is going down the side. Columbia Gas has refused to pave the road. Many services have been replaced due to repairs. Mr. Peck will walk through the area at the end of each day and make sure that cross trenches are back filled. Columbia Gas will place flyers on the doors of homes notifying people when construction will start. Information will also be available on the Town's website. Columbia Gas will pave and resurface the areas at the end of every day and at the end of every week, they will pave everything. Ms. Garbitt stated that Columbia Gas is always doing emergency repairs in this area, so hopefully after this they will not have any further problems.

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

VOTED: To recommend the Road Opening Permits for Columbia Gas for North Precinct and Taunton Street and 42 Taunton Street along Taunton Street to the Town Line, based on the Superintendent of Streets conditions.  
Unanimous in favor.

Discussion took place on the request from Marcus Baptiste for return of the landscaping bond for the earth removal project off of Precinct Street. Mr. Baptiste had previously requested the return of the bond; however, Mr. Peck had requested that the Board wait until the grass had a chance to grow. After an inspection, Mr. Peck agreed to the release of the bond. Mr. Peck did note that the silt fence is still in place and should be removed.

Mr. Peck mentioned that the 16-foot trailer that the Town was to receive from Homeland Security arrived on Friday. It was empty and will be filled tomorrow with items such as barricades, cones, lights, a generator, etc. Lakeville is under a two (2) year agreement that if any Town within the SRPEDD agreement needs it, they can use it. The Town of Lakeville will need to insure and register the trailer and keep it maintained. If another Town and the Town of Lakeville needs it at the same time, Lakeville has preference. If the other Town, while using it, breaks something, they are to replace it.

**8:00 PM Request for Change of Manager – Lakeville Eagles – 217 County Street**

Chairman Olivier explained that the Lakeville Eagles have applied for a Change of Manager. Selectman Maksy asked if they had submitted the proper paperwork. Ms. Craig stated that it was complete.

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

VOTED: To approve the request for a Change of Manager for the Lakeville Eagles.  
Unanimous in favor.

### **Update from the Town Administrator on Schedule A Report**

Ms. Garbitt stated that Cynthia McRae, Town Accountant, has finished Schedule A, but it cannot be submitted until she finishes all the substantiating reports. That should be done by tomorrow and will be sent into the Department of Revenue by Wednesday.

### **Update from Town Administrator regarding Taunton IMA & City of Taunton Water Connection Application – Vital Med – 200 Kenneth Welch Drive**

Ms. Garbitt briefly updated the Board about a discussion that she had with Taunton Assistant City Solicitor Jordan Fiore last week. He has not yet been able to talk to the new City Solicitor regarding the new Intermunicipal Agreement (IMA). Ms. Garbitt said that if this goes on for much more than a few weeks, Vital Med would like the authorization to connect to Taunton Water. For a water connection, the Selectmen authorize Ms. Garbitt to sign the application and then it will go to the City of Taunton, along with a check for the fees. The connection will need to be 8" for fire protection. They must have the hydrant tested for the business.

Selectman Maksy stated that the Town needs to move much faster on the water end of matters. He added that he would like a Water Advisory Committee in place to work on these matters, rather than the Board waiting for matters to proceed. He suggested that at least one (1) member of the Board be appointed to the Water Advisory Committee so that they could then bring back the information to the Board.

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

VOTED: To advertise for residents interested in serving on the Water Advisory Committee. The letters of interest will be due by Thursday, May 5, 2011.  
Unanimous in favor.

### **Update from Town Administrator regarding petition articles and possibly scheduling an additional Special Town Meeting**

Ms. Garbitt then spoke with the Board on the four (4) articles for the Special Town Meeting. They are: 1. Transfers for FY11; 2. The purchase of the property adjacent to the Town Offices, 3. For Island Terrace to purchase one (1) acre of land from the Town of Lakeville, and 4. To file a Home-Rule Petition to include certain members of the Fire and Police Departments under the Civil Service Law.

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

VOTED: To put Articles 1-4 on the Special Town Meeting Warrant with the amendments as discussed.  
Unanimous in favor.

Ms. Garbitt distributed the petition articles and discussed them with the Selectmen. The Board then discussed scheduling an additional Special Town Meeting.

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

VOTED: To schedule a Special Town Meeting at the Apponequet High School Auditorium at 7:00 PM on Monday, May 23, 2011 and to open the Warrant.  
Unanimous in favor.

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

VOTED: To close the Special Town Meeting Warrant.  
Unanimous in favor.

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

VOTED: To sign the Special Town Meeting Warrant for June 13, 2011.  
Unanimous in favor.

Ms. Garbitt stated that the Selectmen's meeting scheduled for May 9, 2011 will be a long meeting. There are a lot of items that will be on the agenda and the Warrant for the Annual Town Meeting is lengthy. Warrant review will be on June 6, 2011. The Board had met with the Superintendent of Old Colony. The Town of Acushnet has already gone forward and sent the borrowing article to their bond counsel. Bond Counsel found a lot of problems with the borrowing article, so the article that will be submitted from the Town of Lakeville will need to be changed in order to be presented in the correct fashion.

**Discuss request for appointment of Representative to Southeastern Massachusetts Commuter Rail Task Force**

Ms. Garbitt stated that Ms. Grubb attends all the Commuter Rail Task Force meetings. South Coast Rail has asked for reappointments of representatives.

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

VOTED: To appoint Linda Grubb as the current delegate to the Southeastern Massachusetts Commuter Rail Task Force.  
Unanimous in favor.

**Discuss request from the Lakeville Democratic Committee to use Town Seal on banner**

Ms. Craig stated that the Lakeville Democratic Committee is asking for permission to use the Town seal on a large plastic banner to hang at events. A brief discussion occurred.

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

VOTED: To deny the request of the Lakeville Democratic Committee to use the Town Seal on their banners.  
Unanimous in favor.

### **Request from Mullein Hill Christian Academy to place signs on Town property**

Ms. Craig explained that Mullein Hill Christian Academy wanted to place signs for a fundraising yard sale on Town property. Discussion took place on the location of the signs. The Board stated that signs will have to be removed the day after the sale.

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

VOTED: To allow Mullein Hill Christian Academy to put up signs for a yard sale fundraiser, provided that the signs do not block the line of site at Route 18 and Howland Road. No sign is to be placed at the intersections. The signs are allowed to remain in place for a maximum of seven (7) days. The event is scheduled for April 30, 2011.  
Unanimous in favor.

### **Review and vote to approve Executive Session Meeting Minutes of February 3, 2011, March 22, 2011, and April 19, 2011**

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

VOTED: To approve the Executive Session Meeting Minutes of February 3, 2011 as presented.  
In favor 2, Abstain 1

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

VOTED: To approve the Executive Session Meeting Minutes of March 22, 2011 as presented.  
In favor 2, Abstain 1

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

VOTED: To approve the Executive Session Meeting Minutes of April 19, 2011.  
In favor 2, Abstain 1

### **New Business**

Ms. Garbitt stated that she has received three (3) letters of interest for the new opening on the Wage and Personnel Committee. Since the process is a little different now, maybe the Selectmen would like to schedule a time to make the selection or would they like to send the letters to the Wage and Personnel Board and ask them to make recommendations? Ms. Garbitt asked if the Board would like to interview all the candidates. Chairman Olivier stated that the whole point is to gain an objective member on the Board. Discussion then took place on the topic. Selectman Maksy questioned whether or not James Gouveia would consider applying for

a position on the Water Board instead since he seems to have experience in that area. It was the consensus of the Board to interview the three (3) people that had sent in letters of interest. Ms. Garbitt will ask if Mr. Gouveia is interested in serving on the Water Advisory Committee and let the Board know at their May 9, 2011 meeting.

Ms. Garbitt then distributed the New Officials Finance Forum Bulletin dated April 21, 2011. Selectman Belliveau would like to attend the forum that will take place on June 1, 2011. The bulletin will be forwarded to the Finance Committee to see if their new member would also like to attend.

Ms. Garbitt stated that she would like the Board to hold a meeting with the Active Retirees regarding health insurance changes. The Town has age 65 and older retirees on Medex. That is a supplemental plan that they do not have co-pays. Active Retirees who are not age 65 are subject to the co-pays. If the Board could pick a date to meet with them, Ms. Garbitt will set up the meeting. Chairman Olivier stated that there is an Open Space Committee meeting scheduled on May 12<sup>th</sup> so maybe the meeting with the Active Retirees could be scheduled for that night as well. Selectman Maksy suggested to ask if they had a particular night that they would like to meet or would they like to meet during an afternoon.

Ms. Garbitt stated that she needed the Selectmen to schedule a site visit for a drainage problem on Precinct Street with Christopher Peck, Superintendent of Streets. Ms. Garbitt will speak to Mr. Peck about arranging a meeting.

Ms. Garbitt stated that on May 26<sup>th</sup> at UMass Dartmouth there will be a meeting for SRPEDD if anyone is interested in attending. Selectman Maksy stated that he would like to attend. The new Planning Board member might want to go as well.

### **Old Business**

John Olivieri took the floor to talk about Gene Bartlett's property that will be on the Town Meeting Warrant. The property is being requested to be rezoned to industrial. He asked if the Selectmen have looked at that or have a recommendation. If the Board were to be in favor, it would help bring a positive reaction from the Planning Board. Chairman Olivier will be going to the meeting on May 3<sup>rd</sup> with the Planning Board regarding the property. Ms. Garbitt stated that she did not think the Board had a formal recommendation, but a memo was written to the Planning Board about it. The January 26<sup>th</sup> memo points out that it makes sense to do this with the proximity location to the rail line, Route 495, Great Ponds Industrial Park, etc. Further discussion took place on the topic. Selectman Maksy stated that his recommendation would be to support it.

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

VOTED: That the Board of Selectmen is in support of the rezoning of Gene Bartlett's property to Industrial, subject to it being sensitive to all environmental issues for zoning.

Unanimous in favor.

Chairman Olivier spoke about trying to bring in more revenue for the Town. Ms. Garbitt asked what the date is for the Bartlett hearing as the Planning Board has continued it. Ms. Craig stated that the Planning Board is not posted yet. Ms. Garbitt will get back to the Board when the date is known.

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

VOTED: To send a memo to the Master Plan Committee to look at economic viability, turtle habitat and environmental issues for the future planning of the Town. The Planning Board will also be notified that the Master Plan Committee is looking into this and ask if they would like to attend or send a member to the meeting when it is scheduled.  
Unanimous in favor.

### **Any other business that may properly come before the meeting**

Robert Poillucci stated that he had just come from the Middleborough Selectmen's meeting, since he had wanted to talk to them about the water line on Bridge Street. It will cost about \$50,000 to run the line down. Mr. Poillucci offered to give both Middleborough and Lakeville \$25,000 each and he would like to use Middleborough's existing line. The new Selectman, Allin Frawley of Middleborough, was appointed to be the liaison to see if Lakeville and Middleborough want to start discussions between the Towns regarding an IMA. That is why Mr. Poillucci was in attendance to find out how the Lakeville Selectman felt. Selectman Maksy stated that regardless of Mr. Poillucci's situation, the Towns should have an IMA to protect people that are on another Towns water line. Mr. Poillucci stated that the line would be just for water, not sewage. Middleborough seems to be open to discussions.

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

VOTED: To appoint Selectman Maksy as liaison for potential IMA talks with Middleborough.  
Unanimous in favor.

### **Other Items**

1. Memo from Lakeville Litter Lifters regarding Expanded Bottle Bill  
Chairman Olivier read the letter from Mike Schroeder into the record. Selectman Maksy stated that the expanded Bottle Bill is being done by a non-profit organization pushing their own agenda, and it will not solve the problem. He does not want to pay the extra money per bottle. If we had the breakdown on how the money would be spent that would be one thing, but this is just going to be a revenue generator for the State.
2. Notice of 2011-2015 Massachusetts Railroad Association Vegetation Management Plan
3. Letter from DEP regarding 2011 Sustainable Materials Recovery Program Municipal Grant
4. Mass Interchange Fall/Winter 2010 publication
5. Explorations Newsletter from Mass Audubon



6. Comcast Connections Fourth Quarter 2010 Newsletter
7. Follow-up report from Building Commissioner regarding Earth Removal Permit Inspections
8. SRPEDD Meeting Agenda for April 27, 2011
9. Letter from Old Colony Regional Vocational Technical High School regarding replacement of roof and renovation of existing science lab
10. Notice from Vanasse Hangen Bustlin, Inc. (VHB) regarding the filing of an Abbreviated Notice of Resource Area Delineation (ANRAD) by the MBTA with the Lakeville Conservation Commission
11. MMA Alert regarding Municipal Health Insurance Reform
12. Letter from CDM regarding Certification of Project Completion for the Water Storage Tank
13. Letter from Kopelman and Paige to the Southeast Housing Court regarding the demolition of 5 Hilltop Acres Drive
14. Notice from SRPEDD regarding E-Government opportunities

At 9:11 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter into Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel and the Collective Bargaining Agreements with the Fire and Police Unions because an open meeting may have a detrimental effect on the bargaining position of the Board and not to return to Open Session.  
Polled vote: Selectman Olivier – aye, Selectman Maksy – aye and Selectman Belliveau – aye.