

TOWN OF LAKEVILLE
SELECTMEN'S MEETING MINUTES
May 10, 2010
7:00 PM

On May 10, 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 Chair Yeatts at 7:05 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.

Orrall Earth Removal Permit hearing continued

Gene Bartlett and Emery Orrall were present for the discussion. Ms. Garbitt asked about the green cards for the abutter's notifications. Chair Yeatts stated that she told Mr. Orrall that the Board needed the proof that the abutters were notified. Ms. Garbitt stated that there should be about 15 green cards. Mr. Orrall presented the green cards that he had and the one (1) letter that was returned. Chair Yeatts stated that she feels everything is finally in order. Minor discussion took place for clarification purposes.

Mr. Bartlett asked the Board to waive the road bond since he is paving both entrances. Chair Yeatts reviewed the conditions of the permit. It will expire on March 31, 2011. The access road is to be kept dust free at all times. Chair Yeatts stated that the trucks will not be able to take a left onto Crooked Lane, as it is designated a Scenic Road. We have received a letter from the Historical Commission regarding that. The route of travel will be to turn right onto Crooked Lane, then north or south on Route 79. Vivian Lee of 144 Rhode Island Road said the road is already hectic, and she is worried about the truck traffic. Chair Yeatts asked which side of Route 79 she lived on. Ms. Lee responded the same side as Mr. Orrall, towards Route 18 at the top of the hill. Chair Yeatts asked how long the removal is going to take. Mr. Bartlett responded that he is hoping that it will be done by March of 2011. Chair Yeatts asked Mr. Bartlett the number of truck trips he is anticipating. Mr. Bartlett stated that there would be about 900 trips over a nine (9) month period. He estimates 10-12 truck loads a day. Ms. Lee stated that there is already heavy truck traffic on the road. She cannot even go across the street to get the mail. There is a big hole in the road and it has not been filled in. Between the noise when the trucks hit the hole and the air breaks they use, the noise makes you jump out of your skin. Chair Yeatts said the Board will ask the Superintendent of Streets to fill in the hole. Chair Yeatts stated that the Board can also ask the Acting Police Chief to monitor the speed of the trucks.

Chair Yeatts continued with the conditions. The tracking pad will be actual asphalt paving. They are not to have any removal taking place on Saturdays or Sundays or during any holiday, and the hours of operation are from 7:00 AM to 5:00 PM. They will have the loads canvassed. The administrative fee is paid up front (\$200 per acre). A discussion occurred regarding how the removal fee shall be paid. Ms. Craig reported that the system that works best is receiving the trucking slips once a month to keep track of the removal fees. Mr. Bartlett stated that he usually pays the removal fee at the end of the project. Ms. Craig stated that for the larger projects, this is the new procedure. Selectman Maksy suggested to get the slips once a month and then bill them.

Chair Yeatts stated that the Board would require trucking slips on a monthly basis. She asked if we ever allowed a gravel removal without a road bond. Ms. Craig responded not usually. The Board did allow Kensington Court since that was a private road, but requested it for Glenn Chistolini's Earth Removal Permit. The Board did not ask for a reclamation bond from Glenn Chistolini since he was creating bogs. Chair Yeatts stated that the Town will require \$5,000 for the seed and loam and then \$10,000 for the road. Mr. Bartlett stated that he would like to have a small screener on site to get some of the rocks out of the dirt. Selectman Maksy stated that the rock crushing is the big thing. Chair Yeatts stated that no crushing, blasting or sorting of materials shall take place without written permission. Mr. Orrall stated that after the removal is done, he will be planting a field of boxwood and winter berry.

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

VOTED: To approve the Emery Orrall Earth Removal Permit at 150 Rhode Island Road, subject to the conditions as discussed.
Unanimous in favor.

Revisit Invitation to participate in 100th Anniversary of Pilgrim Monument

Chair Yeatts stated that Ms. Craig has heard from the Historical Commission, and they would like to participate in the parade. They are still looking for an antique open automobile.

Revisit revised Release of Claims, Indemnity and Hold Harmless Agreement for Town Property Use

Selectman Olivier is in agreement with the changes that Town Counsel has made per his request.

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

VOTED: To accept the revised Release of Claims, Indemnity and Hold Harmless Agreement.
Unanimous in favor.

Request from David Anderson to change date of the permit for the Outdoor Revival

Chair Yeatts noted that the date for the Outdoor Revival has changed from June 2-June 16, 2010 to June 17-June 30, 2010.

Upon a motion made by Selectman Olivier; seconded by Yeatts stepping up and down it was:

VOTED: To accept the revised dates for the Outdoor Revival of June 17-June 30, 2010.
Two in favor with Selectman Maksy abstaining.

Revisit request for reappointment as Constable – Danielle Elliot

Chair Yeatts stated that the Town has received Ms. Elliot's bond.

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

VOTED: To reappoint Danielle Elliot as Constable with an expiration date of May 15, 2011.
Unanimous in favor.

Meet with Park Commission to discuss vacancy on Park Commission

Daniel Hopkins, Chairman, Barry Evans and Darryl Bernier from the Park Commission were present for the discussion. Mr. Hopkins noted that one (1) letter of interest had been received for the vacant position. Mr. Hopkins recommended that the vacancy be filled by Jaime Velazquez.

Upon a motion made by Barry Evans; seconded by Darryl Bernier, it was:

VOTED: To appoint Jaime Velazquez to the Park Commission to fill the vacancy until the term ends on April 4, 2011.
Unanimous in favor.

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

VOTED: To appoint Jaime Velazquez to the Park Commission to complete the vacated term until April 4, 2011.
Unanimous in favor.

Meet with Eric Averill to discuss triathlon request

Eric Averill was present for the discussion. Mr. Averill said that he has met with the Fire Chief and the Acting Police Chief, and they both approved the safety plan and the route that will be used. The bikes will be in Lakeville for approximately two (2) to three (3) hours. There are eight (8) Police details needed and about 20-30 volunteers. They do not use Highland Road anymore since the issue that happened three (3) years ago. The triathlon will take place on June 19, 2010.

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

VOTED: To approve the request to hold the Fourth Annual Patriot Triathlon on June 19, 2010, pending notification of the Acting Chief of Police of the correct date. The organization will make the same donations as they have made in the past.
Unanimous in favor.

Discuss appointment of Assistant Wiring Inspector

Chair Yeatts stated that the Board did request letters of interest for the vacancy. Kevin Thew has filled in and was appointed until July 31, 2010, due to the death of John Beech. Three (3) letters of interest have been received. Selectman Maksy stated that Mr. Thew was appointed in an emergency situation and the appointment was temporary. Chair Yeatts had spoken with Town Counsel about the appointment of an Assistant Wiring Inspector. There is a statute, Local Options Chapter 166, Section 32A which states that Plumbing and Gas Inspectors can work in their own town. In regards to Wiring Inspectors, a local statute would need to be accepted by the Town. Selectman Maksy stated that he wanted to make sure that the Board went through the process correctly. We did what we had to do during the emergency.

Chair Yeatts stated that Mr. Thew has already been appointed to the position and is doing the work. The Building Commissioner and Wiring Inspector feel he is doing a good job. Town Counsel also said that it is up to the Ethics Commission under 268a Conflict of Interest. Selectman Maksy stated that he did not think that the Assistant Wiring Inspector should be doing any work in Lakeville. He either works for the Town or does work in the Town. Chair Yeatts stated that the assistant would not be inspecting his own work. Further discussion occurred regarding this. Chair Yeatts suggested tabling the item until more research was done. Selectman Olivier stated that the Board should avoid any conflict of interest. Selectman Maksy stated that the Board could make it a stipulation that you do not do work in Lakeville, if you are appointed to the position. Chair Yeatts stated that the position is a little part time job, and you want to make it a stipulation that they cannot do any work in Town. Selectman Olivier stated that you could make it a conflict since he is an inspector in Town. Chair Yeatts stated that the position is that of an assistant, not the Wiring Inspector. Selectman Maksy stated that we need to avoid any conflicts. Chair Yeatts stated she would like to still give him a chance.

Selectman Maksy stated that he did not want to adopt the statute. The Middleborough Wiring Inspector cannot do any work in that town. That is why he did not have a problem with Robert Canessa being the Wiring Inspector, since he is retired and not doing any work in Lakeville. Further discussion occurred on whether the Town should adopt the statute. It was decided to invite the three (3) applicants to an upcoming Selectmen's meeting to meet with them.

Request for Live Music Permit – Back Nine Club – June 5, 2010

Joseph Klein, Manager of The Back Nine Club, was present for the discussion. He stated that the request for a live music permit is due to a wedding shower being held at the club. Mr. Klein explained the shower is for one of the owner's daughters. Selectman Maksy asked what part of the building will be used. Mr. Klein responded the porch side. Selectman Maksy asked how would they keep the noise of the music down for the neighbors. Ms. Garbitt suggested perhaps the neighbors could be notified. Mr. Klein stated that the Club is shutting down that day and that the function does not have to be outside. Chair Yeatts asked about the likelihood of having more weddings/showers. Mr. Klein stated that they are not going to get any more; however, the wedding reception will be there also. Selectman Maksy stated that if the police come and say that the noise is too loud, you will have to shut it down. Discussion occurred regarding previous live music permits.

Chair Yeatts stated that Mr. Klein should come back before the Board with both events that he wants considered. Selectman Maksy stated that he can have the band inside; it is the porch that may be a problem. Mr. Klein stated that the owner will have a tent with the band on the lower deck patio. Chair Yeatts stated that she would like to see both function requests on the same application. Mr. Klein stated that the other date is August 7, 2010, and he will change and initial the application. Both functions will be from 6:00 PM to 10:00 PM. Selectman Maksy suggested to point the speakers away from the residences and Mr. Klein said he would try that.

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

VOTED: To approve the request for live music at The Back Nine Club, subject to the amended dates and time.
Unanimous in favor.

Request for appointment of Representative to Old Colony Elder Services Board of Directors

Chair Yeatts stated that Marilyn Mansfield is the current Representative and she would like to continue on.

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

VOTED: To appoint Marilyn Mansfield as Representative to Old Colony Elder Services Board of Directors with a term to expire July 31, 2011.
Unanimous in favor.

Request from Conservation Commission to appoint Tara Martin to Energy Advisory Committee

Chair Yeatts read the letter from the Conservation Commission asking to appoint Tara Martin to the Energy Advisory Committee.

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

VOTED: To appoint Tara Martin to the Energy Advisory Committee with an appointment to expire July 31, 2010.
Unanimous in favor.

Invitation from Disabled American Veterans to participate in Operation Let Freedom Ring

Chair Yeatts read the invitation from the Disabled American Veterans to participate in Operation Let Freedom Ring. Participation would include ringing a bell on July 4, 2010 13 times at 2:00 PM for the 13 original colonies.

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

VOTED: To participate in Operation Let Freedom Ring with Dan Hopkins, Fire Chief, being the contact person.
Unanimous in favor.

Any other business that may properly come before the meeting

Special Town Meeting Warrant Articles

Ms. Garbitt stated that she has only has two (2) articles, and the warrant has to be advertised in the Gazette this week for the Special Town Meeting. The first article is for transfers, and the second is about the Tax Increment Finance (TIF) Plan and Agreement. At this time, SYSCO does not know which property they are going to purchase, but they will know later in the month of May. Chair Yeatts stated that she asked them to make a determination as soon as possible before Town Meeting so that people will be able to make a decision to vote.

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

VOTED: To approve the Warrant for the Special Town Meeting on June 7, 2010.
Two in favor with Selectman Maksy abstaining.

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

VOTED: To sign the Warrant for the Special Town Meeting on June 7, 2010.
Unanimous in favor with Selectman Maksy abstaining.

Discuss contract with Camp, Dresser & McKee for consultation

Chair Yeatts said that Camp, Dresser & McKee has been working with the Town regarding setting up the Water Department. Ms. Garbitt and Chair Yeatts already met with them, and they will come back to us with a presentation of what will be the best way for Lakeville to set up billing, betterment fees, etc. The cost of the contract for the services will be approximately \$9,000. These funds will be taken from the Water Enterprise Fund. Town Counsel has already reviewed the contract.

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

VOTED: To approve and authorize Chair Yeatts to sign the contract with Camp, Dresser & McKee for consultation services regarding the Water Department.
Unanimous in favor.

Request for additional day for GATRA Van

Chair Yeatts mentioned the letter from a resident requesting an additional day for the GATRA van. The resident had requested a day for trips to Walmart, the mall, etc. Marilyn Mansfield has been made aware of the request and will try to accommodate occasional use if ridership warrants it.

Request to sell 1976 Maxim Motors Aerial Ladder

Ms. Garbitt stated that the Town had advertised for bids on the 1976 Maxim Motors Aerial ladder truck. The Volunteer Fire Department in Maine that the truck was being donated to changed their mind and did not take it. The high bid for the truck was \$3,000 in “as is” condition.

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

VOTED: To sign the Bill of Sale for the 1976 Maxim Motors Aerial Ladder Truck for \$3,000 in “as is” condition.
Unanimous in favor.

Other Items

1. Notice from Mass Association of Conservation Commission regarding Tara Martin
2. Notice of Reorganization – Park Commission
3. Letter regarding noise issue – Starr Market Parking Lot
Chair Yeatts stated that she has been there when they are carving, and it is pretty loud. Selectman Olivier asked why he is doing that. Is he under Starr’s license? Ms. Craig stated that she was told that Mr. Demoranville is leasing space there. Ms. Garbitt stated that she has not had the opportunity to speak with the Building Commissioner and the Board of Health on this, but will follow up with them.
4. Notice of Horsley Witten/Audubon workshop – May 25, 2010
Chair Yeatts discussed the upcoming Horsley Witten/Audubon workshop. Horsley Witten will review the Town’s zoning regulations at no charge and show the Town how to better protect its resources.
5. Letter from MBTA regarding upcoming repair work on Commuter Rail Line
Selectman Maksy stated that this is just awful that we have to pay \$91 million to repair the lines since the railroad ties are not holding up like they were supposed to. It is a two (2) year repair plan. People will have to use buses when this takes place. We should put this on the website so people are aware.
6. Notice from DEP – Issuance of Chapter 91 Waterways License – 209 Hemlock Shore Road
7. Notice of Power Plant Task Force meeting – May 13, 2010
Chair Yeatts said she would ask Robert Poillucci from the Board of Health to attend.
8. Annual Water Quality Report – City of Taunton
9. Notice from Secretary of State – County Charter Revision & Proposed Charter Commission Districts

- Chair Yeatts stated that Advisory Board is looking to hire a new Plymouth County Administrator. Chair Yeatts is helping to review the 57 applicants for the position.
10. Invitation from SRPEDD – Annual Meeting – May 26, 2010
Minor discussion took place on this item. Selectman Olivier will attend with Ms. Garbitt.
 11. Notice of rescheduled meeting – JTPG
 12. Mass Wildlife News
 13. Notice from Verizon –CTV Form 200 and CTV Form 400
 14. Notice from Comcast regarding Channel Lineup Changes & Price Listing Updates
 15. Comcast CTV Form 200, Form 300 and Form 400
 16. Massachusetts Bay Commuter Railroad 2010 Vegetation Control Program

Adjournment

At 8:55 PM, upon a motion made by Selectman Maksy, seconded by Selectman Olivier, 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, Police and Teachers Collective Bargaining Agreements.
Polled vote of Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Yeatts – aye.