

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
June 27, 2011 - 7:00 PM

On June 27, 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 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Belliveau and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow was present and recording the meeting for the Middleboro Gazette.

7:00 PM Continuation of Earth Removal Permit-5 Main Street-New England Rent-All

Jamie Bissonette & Robert Rego of Prime Engineering were present for the discussion. Ms. Garbitt stated that the Conservation Commission has continued their hearing for the applicant, but the date was unknown. Mr. Rego said that they need to file for a Request for Determination of Applicability. The Conservation Commission was concerned about a southern side vernal pool and some isolated land subject to flooding on their plans; however, there is no buffer zone. If there is no buffer zone, then the Conservation Commission has no jurisdiction. Their contention is that it is bordering protected wetlands. If they find it is a connected resource area, then the applicant will have to file a Notice of Intent, and then the Conservation Commission can condition the project. Mr. Bissonette stated that he remembers walking the site before, and it was the Conservation Agent's position that there was no connection. However, we still have to work with the Conservation Commission. Mr. Bissonette said that he will contact Natural Heritage to inquire if this would be a significant change or not to the project. He does not believe it is. Mr. Rego explained that depressing the site down will create more of an earthen berm for when this site is developed in the future. Mr. Bissonette stated that he did speak with Christopher Peck, Superintendent of Streets, and made the adjustments he requested on the detail plans. There will be 6" thick stone base with 1 ½" crushed stone applied over that. Chairman Olivier reviewed Mr. Peck's June 23, 2011 letter. Mr. Bissonette further explained that processed gravel will be placed on the side of the asphalt. There is no processed gravel being removed.

Selectman Belliveau stated that he did not understand why the 50' makes a difference. This gives a nice buffer with the trees, and he did not see any soil erosion. He indicated that he would allow for a 4 to 1 slope. Sylvester Zienkiewicz, Planning Board member, explained that the Earth Removal by-law stated a 100' buffer and that the 12' was just too small of a buffer. The Planning Board felt that 50' was more appropriate. Frank Sterrett of Crest Drive stated that he would like to know what safeguards the Selectmen have with respect to night time noise since this will turn to commercial development at some point. Chairman Olivier stated that the Planning Board would have to do a site plan review for any new development, and it would be up to them to set operating hours for the business. Chairman Olivier stated that the Board will set the hours for the Earth Removal project. They are typically Monday through Friday from 7:30 AM to 4:30 PM. After that, it would be up to the Planning Board as to what is developed on the site. Linda Grubb stated that she had been at the Planning Board Meeting, and there was some discussion about the project being a gravel removal project. She thought that the Planning Board wanted to see a plan of a building before the gravel is removed. Mr. Bissonette explained

that the Planning Board did say that, however, there is not a buyer for the lot, and that may be years away. Ms. Grubb stated that she had attended a seminar put on by Natural Heritage, and they said that any change in a project could possibly trigger a refiling. Mr. Bissonette said that Prime Engineering is definitely sending this to Natural Heritage for them to review.

Chairman Olivier said that back in October 2007, the plan shows what they were originally going to do with the parking area. Mr. Rego explained that they were going to file with Natural Heritage anyway. Chairman Olivier stated that Condition #19 says a 4 to 1 ratio and that should be a 3 to 1 ratio. Chairman Olivier reviewed the permit conditions. It was added that all work on the property must be performed in accordance with any current Order of Conditions issued by the Conservation Commission, and subject to the review process and any permits received from Natural Heritage.

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

VOTED: To close the Earth Removal Permit hearing for Kurt Radke of New England Rent-All.
Unanimous in favor.

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

VOTED: To approve the Earth Removal Permit for 5 Main Street – New England Rent-All as written and amended in the draft permit.
Unanimous in favor.

7:30 PM Meet with Scott Britton from SBA Communications Corporation regarding cell tower

Scott Britton of SBA Communications Corporation was present for the discussion. Mr. Britton distributed some information to the Board. Chairman Olivier explained that the Board has been asked to consider a cash buyout and other options regarding the Town's current cell tower lease and to also consider leasing space on the new water tower. Selectman Maksy further explained that the Town has a cell tower that is currently leased, however, the Town owns the property. There are three (3) users at this time. The question is can the Town sell the lease.

Mr. Britton explained that SBA Communications is a cell tower developer. Mr. Britton handles the site management. He meets with property owners, visits the sites, speaks with the landlords and manages the installations on the properties, no matter what the case is. This is done for cell phone companies, paging companies or anyone who would need some sort of wireless communication. This is an opportunity for him to look at the new water tower. SBA Communications could market the space to the industry and possibly provide an opportunity to generate revenue for the Town. His company would manage the water tower, the installations, and the entire term of the deal and after a certain period of time, there is always the option of buying out the lease. However, if the Town would like to discuss a lease buyout on the current cell tower, that is through a different Department in the company and Mr. Britton does not handle that. He was unaware that the Board would be talking about a buyout.

Ms. Garbitt explained that Nancy Yeatts was originally working on this, and the Board believed that they would be discussing both the buyout option for the cell tower lease and the new water tower. Ms. Garbitt will follow up with SBA regarding the buyout. Mr. Britton stated that he believes the water tower is a good site. Selectman Maksy asked what the next step was. He liked the idea of the Town having no responsibility. Mr. Britton stated that it is a no risk opportunity for the Town. If his company is able to obtain a carrier to go on the tower, that is when his company would get compensated. It is a 70% - 30% split usually, with the Town getting 70% of the lease rate. Selectman Maksy stated that the Town needs to take a look at the value of the land. It would be nice to get the money now in a buyout deal for the cell tower since the Town is in tough economic times. The Town also needs to consider the time value of money and what it will be doing with the revenue from the water tower. Perhaps it should offset the cost of the water infrastructure.

Chairman Olivier stated that the Board will want to look at all possibilities. Mr. Britton stated that he is interested to hear what the Board has to say. He suggested that Ms. Garbitt set up a meeting with Dee from SBA to discuss the lease buyout. Selectman Maksy stated that the Board should proceed with a Request for Proposals for the water tower.

8:00 PM Earth Removal Permit Hearing-Ted Williams Camp-T.L. Edwards

Chairman Olivier read the legal notice into the record.

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

VOTED: To open the hearing on the application of Terry Edwards of T.L. Edwards, Inc. for an Earth Removal Permit at the Ted Williams Camp, 28 Precinct Street.
Unanimous in favor.

Daniel Hopkins, Chairman of the Park Commission, was present for the discussion. Chairman Olivier explained that the Board had received an application for an Earth Removal Permit for the Ted Williams Camp. This permit is necessary for the construction of the additional athletic fields proposed at the Camp. Chairman Olivier noted that an Earth Removal Permit had previously been awarded for this project to another applicant. However, the Park Commission could not come to an agreement with the contractor, and he withdrew from the project. Len Stewart from T. L. Edwards said that the conditions for the Earth Removal Permit need to be reviewed by their attorney. Ms. Garbitt stated that the primary concern is that the Town needs to know if the trucks leaving the site are going right or left on Route 18. The Board then went over the Earth Removal Permit Conditions. Selectman Maksy suggested that the permit be issued to the Park Department since it is their project. Ms. Garbitt stated that Town Counsel has recommended that the permit be issued to the company that is actually going to do the removal. Minor discussion took place by the Board and it was questioned whether the hearing should be continued. A motion was made by Selectman Maksy and seconded by Selectman Belliveau to continue the hearing until July 11, 2011 at 7:30 PM. After brief discussion, Selectman Maksy withdrew his motion and Selectman Belliveau withdrew his second.

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

VOTED: To close the Earth Removal Permit hearing for the property known as the Ted Williams Camp, 28 Precinct Street.
Unanimous in favor.

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

VOTED: To approve the Earth Removal Permit for the property known as the Ted Williams Camp, 28 Precinct Street, Lakeville, MA to Terry Edwards of T.L. Edwards, Inc. subject to the conditions set forth.
Unanimous in favor.

Ms. Garbitt told Mr. Stewart that they would be subject to the terms of the Natural Heritage Permit for the property. Mr. Hopkins explained that there was a cease and desist on the property since the silt fence came down. This would allow the turtles to enter into the construction zone. The silt fence was redone and Natural Heritage came out to inspect the site. More work had to be done where the sloping needs to be addressed, and they will do another ten (10) hour turtle sweep next week. The project should be able to move forward after that. Brian Madden will meet with T. L. Edwards and explain what to do if a turtle is found. It has been guaranteed that the Camp will have its Natural Heritage Permit within two (2) weeks.

8:15 PM Dog Hearing-Jyl Richards-107 Crooked Lane

Karen and Steven Willis were present for the discussion. Chairman Olivier read the hearing letter dated June 15, 2011 into the record.

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

VOTED: To open the dog hearing for Jyl Richards of 107 Crooked Lane.
Unanimous in favor.

Chairman Olivier then explained the hearing process and swore in those who were going to speak on the matter: Karen and Steven Willis of 109 Crooked Lane, Jyl Richards of 107 Crooked Lane, Jamie Cronin of 105 Cedar Street, Middleborough and David Frates, Animal Control Officer (ACO). Chairman Olivier then read the complaint dated June 14, 2011 into the record.

Ms. Willis took the floor to discuss what had been taking place. The Willis' have lived at their present home for 25 years. They have had five (5) families as neighbors and many dogs during the years. Ms. Willis said she is petrified of the neighbor's dog, and they do not take it seriously. She said the dog was 20' away from her, and she called to Ms. Richards, who laughed at her and said that the dog would not hurt her. She is requesting that the Selectmen enforce the leash law. The dog has only been there for about a year. The dog chases the cat in her yard, and

her husband has had encounters with the dog. Steven Willis stated that they are just asking that the dog be kept restrained. The dog does come over to the Willis' house and takes a stance. Since the ACO has been to the Richards' house, the dog has not come into the yard.

Jamie Cronin of 105 Cedar Street Middleborough stated that she takes care of the children during the day at Ms. Richards home. She did not know that the Willis' were afraid of dogs and does not want any problems. The dog has gone onto their property, but it was not known that the Willis' were in fear of the dog. He is usually in the back yard and not in the front unattended. Someone is always with him. The time in question, he jumped out of the car, since everyone takes him on rides. Mr. Frates stated that the dog does not know the boundary lines between the homes. Perhaps the owners can put in an underground fence so that the dog will know the boundaries. Mr. Frates noted that he has not received a complaint on the dog before. Ms. Cronin said that since we know she is afraid of dogs, we will need to be more careful with the dog. Chairman Olivier asked Ms. Richards if she would get the underground fence and install it like the ACO suggested. Ms. Richards stated that she does not have a problem with that. Mr. Willis stated that as long as the dog cannot get into their yard, he is fine with that. Mrs. Willis stated they need to be more aware of the dog. Perhaps if the dog was introduced to her and her husband and got to know them, it might be different. Ms. Cronin added that the dog goes to doggie daycare sometimes. She said he has been walking the dog before and tried to engage Mrs. Willis in conversation since she wanted the dog to get more familiar with you. Ms. Richards stated that she would like to clarify that the dog is a Labrador Great Dane mix, not a pit bull. Mrs. Willis stated that workmen come into the Willis' yard and shoo the dog out of the yard. The dog does not come when they call him; he takes a stance. Selectman Maksy stated that the electric fence will tell the dog, if he goes any further, he will get a shock.

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

VOTED: To close the dog hearing of Jyl Richards.
Unanimous in favor.

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

VOTED: That Tanner is to be restrained anytime he goes outside, until the installation of the underground electric fence is completed. The fence is to be installed within 30 days.
Unanimous in favor.

8:30 PM Discuss moving 4th grade to GRAIS

Richard LaCamera, John Olivieri, Phil Oliviera, David Davenport, Maria Martin, and Sherry Barron were present for the discussion. Chairman Olivier stated that since the Selectmen have voted to move the 4th grade to the George R. Austin Intermediate School (GRAIS), a legal firm has been consulted, and the matter referred back to Attorney Michael Long for an opinion on if the Selectmen can vote that to happen for next year. Presently the Board has an opinion that it can and another that it cannot. Chairman Olivier thinks the Board should send a letter to the Department of Elementary and Secondary Education (DESE) since they approved the

Regionalization Agreement, and now they are saying we do not have any authority to put the 4th grade over at GRAIS. Selectman Belliveau stated that the DESE is not looking at the GRAIS Agreement from how he sees it. Back in 2007, Attorney Long said one thing, and now he says another. What is disturbing is his recent opinion. He specifically says the Town, and as of July 1, 2011, the duties go to the Regional School Committee, which is not made up of the Town; it is made up of two (2) Towns. If the Regional School Committee can assign their authority to the Town, then it is binding and legal. If not, then this was never a contract, and it is not binding. We need to find someone to give us an opinion that is not connected to either Town or the Region. Town Counsel may also be in conflict at this time from trying to counsel “both” sides. Selectman Belliveau stated that what should have happened is that when the Towns went to full Regionalization, the authority should have gone to the Region. Chairman Olivier stated that what bothers him is that he does not like how this was presented at Town Meeting. He never would have voted for it had he known what was going to happen. Chairman Olivier likes what the Superintendent has done with the smaller class sizes and the curriculum. Selectman Maksy suggested sending the information to Town Counsel to see if the Town has to honor the contract. Chairman Olivier agreed and added that a letter be sent to the DESE, since they were part of the Agreement in 2003.

Selectman Maksy asked what exactly does the “Town” mean: is it the Selectmen, the School Committee, etc. Selectman Belliveau stated the question is: do the Selectmen have the authority to tell the Regional School Committee what to do? He agrees that we do not have the authority, but in the Agreement, we have the right as a Town to put students into GRAIS based on overcrowding. He thinks they are in breach of contract. Selectman Maksy stated that Towns enter into contracts through the Board of Selectmen. The bottom line is the Selectmen/Town entered into a contract and either it is honored or it isn’t. At this time, considerable discussion ensued to try and determine the proper course of action. Selectman Maksy suggested that the Chairman call Town Counsel for an opinion. Counsel needs to be specific on what the “Town” means, what it means now and what it means after. Ms. Garbitt stated that she will forward all of the opinions to Town Counsel on behalf of the Board.

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

VOTED: To authorize the Chairman to contact Town Counsel regarding moving the 4th Grade to GRAIS.
Unanimous in favor.

Selectman Maksy stated that when the Chairman receives the opinion from Town Counsel, then the Board needs to find out who else to contact regarding the contract. Also, researching any minutes taken from 2001 when the Agreement was being drawn up might shed some light. The intent of the Agreement and Town Meeting is what is important. Chairman Olivier stated that the Board has voted to move the students over; however, the School Committee has not allowed that to take place. Chairman Olivier then read a letter into the record from Aaron Burke, Chairman of the Local School Committee, dated June 23, 2011, about where the 4th grade will be going to school for the 2011/2012 School Year. Discussion took place regarding the safety of the Assawompset School and the school’s capacity for students and staff.

John Olivieri, Local School Committee Member, encouraged the Board to get an answer as quickly as possible. It is in the best interest of the kids to get this resolved sooner rather than later. The Local School Committee does not have any other scheduled meetings until August, but that does not mean another meeting cannot be scheduled if needed. Chairman Olivier stated that this Board has not wavered since day one when the Agreement was signed. The 4th grade was always to be at GRAIS. We are not the cause of this, but we need to somehow come to a conclusion. Mr. Olivieri stated that the Local School Committee seems pretty much entrenched in their opinion and he did not think they are going to budge. Selectman Maksy stated that the Department of Revenue, DESE and the School Building Authority (SBA) could force things. Mr. Olivieri stated that he would feel better if the decision does not come until August 31st for everyone to be in a position to determine where the students are going. Mr. LaCamera stated that if you go back and look at the Agreement that was signed by the SBA; you will see that it was not only to fund the building, but to have use of the building

Review and vote on Agreement with Region regarding School Vans

Chairman Olivier explained that there are six (6) vans, and the principal and interest due on three (3) of them is \$30,281.21. Ms. Garbitt mentioned that the latest one that was purchased was bought used for \$8,000. A payment has not been made on it thus far. Further discussion took place on the status of the vans.

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

VOTED: To approve and sign the Intermunicipal Agreement between the Town of Lakeville and the Freetown-Lakeville Regional School District for Transfer of Vehicles, with the understanding that the Town receives \$30,281.21 for payment.
Unanimous in favor.

Discuss Frank Sterrett's request regarding the new Parking Penalty at the Commuter Rail Parking Lot

Frank Sterrett of Crest Drive was present for the discussion. Mr. Sterrett explained the difficulty of needing to have exact change when parking at the MBTA parking lot and the fact that there is a lack of parking alternatives. He had emailed a letter to Ms. Garbitt and the Board dated June 16, 2011 about the fact that MassDOT and the MBTA have decided to add a greatly increased commuter rail lot parking surcharge for non-payment of parking fees. The surcharge jumped from \$1 to \$21. This is added to the owed parking fee and is effective July 1st. Did the Town have any input on this? Chairman Olivier responded that the Town did not have input on that matter. Mr. Sterrett stated that he has heard no justification on this, so he is seeking a letter from the Town about the fact that this is far too much of an increase. Towns need to take a stance for their residents, and he requests that the Town, through the Town Administrator, send a letter to the MBTA and MassDOT stating that this parking surcharge is too high and not in line with today's economy. Chairman Olivier explained that he is back to riding on the bus because of the parking fees. Mr. Sterrett added that he also does not know where the profits go. He only used the parking lot about three (3) days a week and is not familiar with the monthly rate. Chairman Olivier stated that the Board did find the increase excessive.

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

VOTED: To send a letter to the MBTA & MassDOT explaining that the Town feels that the parking surcharge increase is excessive and to also include copies of Mr. Sterrett's letter.
Unanimous in favor.

Review and vote to approve revision to Board of Selectmen's Appointment Policy

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

VOTED: To adopt the new language for Appointments to Town Boards, Committees, and Commissions Policy and Procedures, adopted June 27, 2011, as depicted in the revised document in italics.
In favor 2, Abstain 1.

Review Fuel Efficient Vehicle Policy for Green Communities Program

Ms. Garbitt explained that if the Board approves the Fuel Efficient Vehicle Policy for the Green Communities Program, then the Town will only have two (2) more items to complete for its Green Community Designation.

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

VOTED: To adopt the Fuel Efficient Vehicle Policy for the Green Communities Program.
Unanimous in favor.

Discuss Charge for Water Advisory Committee

Sylvester Zienkiewicz was present for the discussion. Chairman Olivier stated that Selectman Maksy would like to schedule a meeting in July for the Water Advisory Committee. Their charge may take about six (6) months to complete. Mr. Zienkiewicz agreed that it will probably be about six (6) months. The Committee will not have to write the rules since 80-85% of the cities and towns have rules in place and the Committee can modify and adopt them for Lakeville.

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

VOTED: To adopt the Water Advisory Committee Charge as outlined in Chapter 41 Section 69B accepted by Town meeting on November 30, 2009 and to forward this information to the Water Advisory Committee.
Unanimous in favor.

Ms. Garbitt will schedule a meeting for the Water Advisory Committee as soon as possible.

Request for Appointment of full time Firefighter/Paramedic-Kyle Barratt

Daniel Hopkins, Fire Chief, was present for the discussion. Mr. Hopkins explained that the position was advertised and interviews were conducted. It is the recommendation of the Fire Department to appoint Kyle Barratt to the position since the Fire Department is losing a firefighter.

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

VOTED: To appoint Kyle Barratt as a full time Firefighter/Paramedic for one (1) year upon successful completion of the Massachusetts Firefighter Academy, based upon the recommendation of the Fire Chief.
Unanimous in favor.

Discuss Appointment to the Regional Finance Committee

Chairman Olivier told the Board that they needed to appoint a member to the Regional Finance Committee.

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

VOTED: To appoint Chairman Olivier to the Regional Finance Committee.
Unanimous in favor.

Request for Appointment to Lakeville Arts Council-Ed & Diane Faria

Chairman Olivier read the letter from Ed and Diane Faria requesting to be appointed to the Lakeville Arts Council.

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

VOTED: To appoint Ed & Diane Faria to the Lakeville Arts Council based on the recommendation of Joanne Upham with an expiration of July 31, 2011.
Unanimous in favor.

Request for Appointment to Energy Advisory Committee-James Marot

Chairman Olivier read the memo from the Planning Board requesting that James Marot be appointed to the Energy Advisory Committee as the Planning Board's representative.

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

VOTED: To appoint James Marot to the Energy Advisory Committee with an expiration date of July 31, 2011.
Unanimous in favor

Request to use Town Office Building for car wash fundraiser-Boy Scout Troop 4-July 9, 2011

Chairman Olivier read the letter from Boy Scout Troop 4 requesting the use of the Town Office Building for a car wash fundraiser on July 9, 2011.

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

VOTED: To allow the use of the Town Office Building for a car wash fundraiser by Boy Scout Troop 4 on July 9, 2011 using biodegradable soap.
Unanimous in favor.

Request for Outdoor Music Permit-The Back Nine Club-August 14, 2011

Chairman Olivier read the request for an Outdoor Music Permit for the Back Nine Club on August 14, 2011. The permit would be for outdoor music from 3:00 PM to 7:00 PM.

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

VOTED: To approve a Permit for Outdoor Music on August 14, 2011 from 3:00 PM to 7:00 PM.
Unanimous in favor.

Review and vote to approve Selectmen's Meeting Minutes of March 21st; March 31st; May 3rd; May 17th; May 18th; May 23rd; June 1st; and June 13th, 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 Selectmen's Meeting Minutes of March 21, 2011 as presented.
Unanimous in favor.

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 Selectmen's Meeting Minutes of March 31, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 3, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 17, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 18, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectman's Meeting Minutes of May 23, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectman's Meeting Minutes of June 1, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectman's Meeting Minutes of June 13, 2011 as presented.
Unanimous in favor.

Review and vote to approve Selectmen's Executive Session Meeting Minutes of April 25, 2011 and June 6, 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 April 25, 2011 as presented.
Unanimous in favor.

New Business

Glenn Chistolini of 1 Elliot Way was present for the discussion. Mr. Chistolini stated that he is currently baling the hay at Betty's Neck, and there is a lot of hay being produced. He had driven by the old concrete plant on Pierce Avenue, which is for lease. Mr. Chistolini is looking for an area to store 3,000 to 4,000 bales of hay to sell. The building has been closed for a while. Ms. Garbitt mentioned that she had brought up the agriculture exemption to Mr. Iafrate, but since the hay did not originate from that particular site where he wants to store it and he is selling it retail, it is not allowed. Mr. Chistolini stated that he was going to plant hay on the property, but did not want to pursue the option if there are problems with the owner.

Chairman Olivier then read the letter from Robert Iafrate, Building Commissioner, dated June 27, 2011, into the record. Mr. Iafrate said that the property, while once zoned Industrial, is now zoned Residential. The parcel contains 18.11 acres of land, and there is a metal building that is currently vacant. According to Section 4.1.1 of the Lakeville Zoning By-Law, a retail operation in a Residential zone is not allowed. In order to move forward with this proposal, the applicant would have to seek a variance from Section 4.1.1. Ms. Garbitt added that when she had been discussing the matter with Mr. Iafrate, he had conveyed to her that there would have to be a financial hardship in order to use the property in this manner, and he did not see one. Mr. Chistolini stated that he will not pursue the matter and will look for another piece of property.

Old Business

Ms. Garbitt stated that she and the Town Accountant are looking at some of the transfers that will need to be done for the end of the year. They do not have to be done at Special Town Meeting; it can be done by the Selectmen and Finance Committee Chairs. There will be some funds left from the Police Department budget. The Selectmen technically do not have to vote on these transfers. However, the transfers have always been presented to the Selectmen, and they have voted on them. Ms. Garbitt noted that the budget for Health Insurance might be short. The remaining necessary funds will be transferred from Property and Liability Insurance and Unemployment. The budget for Street Lighting is also short. This is due to the fact that the Town was not assessed for the correct number of street lights. The necessary funds to meet that shortfall were transferred from the Assistant Animal Control Officer account. There will be more bills that will come in after the end of the fiscal year. Mrs. McRae gives Department Heads until the 5th of July to submit all their bills.

Ms. Garbitt stated that Representative Steve Canessa resigned from his office on Friday. He has been replaced by Christopher Markey. Representative Markey called to introduce himself and to let us know if the Town was aware of any issues in the pipeline, the Town should let him know. Chairman Olivier stated that the Board should send a letter to Steve Canessa thanking him for time served.

Other Items

1. Notice from Board of Health regarding Annual Appointments
2. Copy of Bi-Monthly Report-Landfill and Transfer Station
3. Copy of letter from CDM regarding Lakeville Water Storage Tank
4. Memo from Town Counsel regarding Final Regulations Implementing the ADA Amendments Act of 2008
5. Notice of Intake Schedule from South Coastal Counties Legal Services
6. Information from Town of Framingham regarding Unfunded Mandates
7. Baystate Roads Program Tech Notes
8. Meeting Notice-Regional Economic Strategy Committee-June 14, 2011
9. Informational Guideline Release-Overlay and Overlay Surplus
10. News Release-Massachusetts Taxpayers Foundation
11. Department of Revenue Bulletin-Tornado Damage

12. Department of Conservation & Recreation Information – FEMA 2012 Hazard Mitigation Assistance Grant Program Notice
13. Notice of Non-Compliance from Natural Heritage regarding Conservation and Management Permit for Ted Williams Camp
Chairman Olivier stated that Mr. Hopkins explained to him about the non-compliance at Ted Williams Camp today. Ms. Garbitt stated that it was a combination of things that had taken place at the site. Out by the gravel pit, as it was staked out, the land surveyor put signs saying clear. The contractor doing the work thought it meant clear on this side. As it turns out with the washout for the gravel pit, they have to grade there anyway and Kristen Black does understand. They did go past where they should have cut down the trees, but it was not a big area. At the back of the property, they did not cut all the trees that they could have. The logger went in and accidentally knocked down the silt fence in different areas. The Park Commissioners should have been watching the work more closely. Chairman Olivier stated that concerns him, since they will need to be watching the trucks coming out of the site. Ms. Garbitt stated that it has been made quite clear by Natural Heritage, a meeting will be set up, and they will have to be educated on working on projects like this.
14. Final Draft of the Comprehensive Economic Development Strategy (CEDS) from SRPEDD

At 10:30 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau, the Board:

VOTED: To enter into Executive Session to discuss strategy in preparation for negotiations with non-union personnel, specifically the Fire Chief's contract, and to discuss strategy with respect to the collective bargaining agreements with the Police and Fire Unions because an open meeting may have a detrimental effect on the bargaining position of the Board and not return to Open Session.
Polled vote of Selectman Maksy – aye, Selectman Belliveau – aye and Selectman Olivier – aye.