

**SELECTMEN'S MEETING**  
**Monday, July 20, 2009**

On July 20, 2009, 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 Maksy at 7:05 PM. Selectmen present were: Selectman Maksy, Selectman Yeatts and Selectman Evirs. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**7:00 PM Earth Removal Permit Hearing – 28 Precinct Street**

*Darryl Bernier and Barry Evans, members of the Park Commission, were present for the discussion. Also present were Richard Fickert from the Lakeville Development Corporation and Terry Edwards of T.L. Edwards.*

Chairman Maksy read the legal notice into the record. Ms. Craig said that 68 certified notices were sent out, and 14 had not been received back.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To open the hearing for the Earth Removal Permit for 28 Precinct Street.  
Unanimous in favor

Mr. Bernier explained that the Park Department is trying to build two (2) additional playing fields at the Ted Williams Camp. The proposed area has gravel, which they would like to sell to help finance the project. The earth removal project went out to bid, and T. L. Edwards was the highest bid. They will grade, level, slope and seed the area. The project would help finance the fields and to renovate the Commissary Building. The costs will not affect the tax levy. Selectman Yeatts said the Selectmen had been looking at this project for a while. Is this the plan that Natural Heritage has? Mr. Bernier said yes. Chairman Maksy said the Board did not have a letter from the Superintendent of Streets, but it is the Board's understanding that he will be involved in the project and will oversee it. Ms. Garbitt said Chris Peck, Superintendent of Streets, has applied to MassHighway for the curb cut with the same plan that we have. Selectman Evirs asked where the curb cut was in relation to the funeral home. Mr. Bernier said they had a small problem with that since the Middleborough Gas & Electric Department has a tension pole where the proposed cut is. We will have to move it up towards Southeast Fence. It is about 50 feet before Crooked Lane and the funeral parlor. Selectman Yeatts asked how will the money work. Mr. Bernier said if the money does not stay with the Park Enterprise Fund, we will not do the project. By law, the money is to be used for the property. A discussion occurred regarding funding for projects at the camp. Selectman Yeatts said she wanted to make sure that any money left over after the fields are done will go to the renovation of the commissary building. Mr. Bernier said that is the plan. Ms. Garbitt said Town Meeting still has to appropriate the money to go into the Enterprise Fund. Mr. Bernier said it also has to be certified by the Department of Revenue as well.

Mark Knox said he is an abutter to the project and would like to know what monetary gains they would receive by removing the gravel in the back since he feels this project negatively impacts his property value. Chairman Maksy said they are applying to take out up to 250,000 cubic yards. Mr. Bernier said we want to add half a practice field in that back area, however, the neighbors are concerned about losing the woods as buffer. We will work with the abutters so that they do not have a view of the open fields and sand pit. We do have to slope it for access to the fields and for drainage. Chairman Maksy asked if they were proposing any buffers. Mr. Bernier said just the woods right now. Selectman Yeatts said Natural Heritage may come back and change the area that work can be done in. Mr. Bernier agreed. Dana Menzel asked how much of a buffer zone will there be in the upper corner. Mr. Bernier said 100 feet. Chairman Maksy said it is not less than 50 feet, but as it goes towards the back, it increases. Mr. Menzel said if the plan is correct, it is very close to my property line. He thought it was no more than 50 feet. He is concerned about the Hemlock forest. Mr. Bernier said perhaps we can retain some of that. Selectman Yeatts said Natural Heritage may pull the limits in and also want to protect the forest area. Mr. Menzel said he was going to get his property surveyed. Tim Walsh of Loon Pond Road said he was concerned about the footpath. The slope is pretty high. It will bring that all the way to his property and clear it down to nothing.

Doug Mills of 334 Bedford Street asked if all the funds from the gravel removal will be spent on the Camp. Chairman Maksy said yes. That was approved previously at Town Meeting. Selectman Evirs said it was his understanding that the funds generated are for the Park Department. Selectman Yeatts said we really need to generate revenue for the Park Department, and we need the Commissary Building renovated. We want to make sure that the money will all go there. Mr. Mills asked who would be keeping track on the amounts coming out of there. Mr. Bernier said the slips will be dropped off at the Town Hall daily, and one of our Board members will be there to sign off. Chairman Maksy asked what about any complaints. Ms. Garbitt said they should go to Mr. Peck. Mr. Bernier estimated that there would be one five (5) trucks there at a time. Mr. Knox said he was not fully appeased about how much material will be removed, what the costs are, and what will be coming back. He said that he owned a roofing company and could help with a roof for the Commissary. Mr. Fickert said whatever money we can save from volunteers will make it a lot simpler and quicker. If there is any money left over it will go back to the Town, but we need the Commissary Building to bring in money for the Park Department for upcoming years. Further discussion occurred regarding the buffer zone. Selectman Evirs said based on this plan, the back corner of the property is a good 300 feet away from where the trucks and work will be done. Mr. Knox said we are not back there. We see where the clear stakes are and feel the plan is accurate. He would like to see the woods stay, so maybe they could just shorten the area and not take so many trees out.

Keiko Orrall from Crooked Lane asked how long will the project take. Mr. Bernier said they are not sure when Natural Heritage will come back with a ruling. The removal will take approximately one (1) years, and then we need to let the fields grow for a year. Selectman Yeatts asked how much money did they believe they would net. Mr. Bernier said about \$500,000-\$600,000 and that is once the fields are done. The loam will stay on the site, and if the Town needs any of it, it can use some of it. We can sell any additional loam. When Natural Heritage comes back with answers, we will know more. Chairman Maksy said he thought they could shy away from the property line a little bit. Mr. Bernier offered to walk the site with any

of the abutters. Mr. Mills asked about a shorter time frame for the work. Mr. Edwards said it is better for them to take a year to do it; it would just be more noise otherwise. Chairman Maksy said the permit will expire March 31<sup>st</sup>. All the Earth Removal Permits expire on March 31<sup>st</sup> and then you have to come in for a renewal. Barry Evans said the next meeting of the Park Commission will be at Ted Williams on July 27, 2009. He said they could walk the site with the abutters at that time.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To close the hearing.  
Unanimous in favor.

Chairman Maksy asked for a list of conditions. They were as follows: permit shall expire on March 31, 2010; the term Board shall refer to the Board of Selectmen; the access road will be kept free of dust; the licensee will remove any and all spillage; and the route of travel will be heading towards the T.L. Edwards Plant in Lakeville or north to Middleborough Rotary (the trucks will stay on Route 18, otherwise they need to come back to the Board to get permission to change the route). Mr. Edwards said right now, the route will be Route 18 north or south. Chairman Maksy said you may need to provide a road damage bond if you start using side roads. Mr. Edwards agreed. Selectman Yeatts said even though this is a Town project, we have to hold ourselves to the same standards as we apply to everyone else. Mr. Mills asked about other trucks travelling through Lakeville. Chairman Maksy said the Board cannot do anything about it. Selectman Evirs said once the truck gets to the Town limits, the route cannot be determined. However, there is an intensity with truck traffic for a Earth Removal Permit. Review of the tracking pad for the curt cut continued. Ms. Garbitt said MassHighway has their own specifications for tracking pads. Selectman Yeatts said then per MassHighway specifications. Minor discussion took place on the starting hours and how they can start the equipment, but not the removal until 7:00 AM. Discussion occurred regarding waiving the administrative fees.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To waive the administrative fee.  
Unanimous in favor.

Discussion occurred regarding the screening of loam. Mr. Fickert asked why couldn't screening occur on the property. Mr. Bernier said they planned on screening the loam on site, since it is not leaving the site. Mr. Edwards said his screener does not crush. It is a power screen and does not make a lot of noise. Selectman Yeatts said on site screening of materials will only be between the hours of 7:30 AM to 4:30 PM. There will be no blasting or crushing. Materials shall be chipped or removed from the site, and this is to be done during the hours of 7:30 AM to 4:30 PM. All work will be performed in accordance with any current Conservation Commission Orders and Natural Heritage. Further discussion took place regarding the payment for the materials. Discussion then took place on the equipment and starting time. The truck can be loaded and equipment started at 7:00 AM, but it cannot leave the site until 7:30 AM. Selectman Evirs explained that the Town has had problems in the past in residential areas regarding the start up times. So these restrictions have evolved from other construction projects.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the conditions as discussed and revised.  
Unanimous in favor.

### **7:30 PM Meet with Robin Akers regarding 125 Staples Shore Road**

*Robin Akers was present for the discussion.* Chairman Maksy said the Akers of 126 Staples Shore Road have requested to appear before the Board regarding the property at 125 Staples Shore Road, owned by the Corsini's. Their complaint is that Mr. Corsini has constructed a large landscaped area within the Town's layout of Staples Shore Road. The landscaping effectively blocks the Akers from utilizing the right of way in their deed to access Assawompset Pond. This situation has been going on for a few years. Ms. Garbitt then explained the matter and what was presented to her by the Akers. The Plan of Record is on the deed and the landscaping is on the Town's layout. It is the recommendation of the Superintendent of Streets to remove any landscaping such as trees, bushes, rocks, and the flagpole from the Town Layout. Mr. Peck did not want to remove anything though without the recommendation of the Board of Selectmen. Ms. Akers said she would like the items removed from the right of way completely since they have no access to their right of way. We are using another neighbor's right of way, and we want to use our own right of way to get our boat back and forth from the pond as it is deeded. The right of way is between two private landowners. Chairman Maksy said the Board cannot get involved in private landowners business, but we can discuss anything located in the Town's layout of the road.

Andrew Corsini of 125 Staples Shore Road said the flagpole was built in 1945 after WWII. It has been there for 64 years, and no one has been bothered by it. So what will the Town gain by removing it. Chairman Maksy said anything that goes on Town property needs to be approved by the Town. Mr. Corsini said he did not see the benefit for the Town getting involved in this. This is a beautification thing that he had done over the past 25 years. Selectman Evirs said if we allow you to put plantings on a public way, then we would have to allow everyone else to do so. You are working on land that you do not own. Ms. Akers said they do not have a problem with the flag; it is just the plants and the trees. Selectman Evirs said the layout of the cul-de-sac is for school buses or emergency vehicles to turn around and navigate correctly. You may be taking up about a 1.4 of the radius in that area. Chairman Maksy said if you do not own the land, you cannot use it. The Town owns the property here. Ms. Garbitt said the boulders could be an issue when plowing. Mr. Corsini said Mr. Peck had said previously plowing was not a problem. Chairman Maksy said he must have not had the plans at that time. No one can give someone rights on a Town way. Anyone has the right to drive there. If there is an accident there from the rocks, the Town is liable since they should not be there. Mr. Corsini said a boulder was put there when someone went through the flagpole before he lived there. Then someone went through his fence and he put another boulder there. Selectman Evirs said there are other areas in Town that people want to beautify, but they just cannot since it is part of the Town's right of way.

Chairman Maksy said this is public property, and it has now come to our attention, even though it has been there for a very long time. Maybe there is a compromise here. If the structures were removed, that is what is really causing the problem. The rocks need to go and

the shrubs and the flagpole. Mr. Peck is an engineer, so he will check what is and is not on Town property. The only issue is that the Town does not have a right to block any access to anyone's property. Right now we are liable for blocking the Aker's right of way, since these things are on Town property. He suggested that Mr. Peck go out to the site and decide what could stay as far as grass and shrubbery. However, the rocks have to go. Ms. Akers asked about the time frame to remove them. Ms. Garbitt said Mr. Peck will inspect as soon as he returns from vacation. Selectman Evirs said what is on the Town layout has to go. Ms. Garbitt asked Mr. Corsini if the septic system had been installed. Mr. Corsini said no. Selectman Evirs said it appears that a corner of the retaining wall for the septic system is located in the Town's road layout. He asked that the Board's concerns about this be forwarded to the Board of Health. Mr. Corsini said the Board of Health had approved the plan, but it has not gone any further than that. Chairman Maksy said they cannot approve this on Town property. Selectman Yeatts said it seems to have been done in error, and it is good to catch before it is done so that you are not liable for that. She read the letter from Mr. Peck regarding the flagpole. It is going against his recommendation if we let the flagpole stay. Chairman Maksy said we can redirect him if we choose. Selectman Yeatts said then the liability is ours. Selectman Evirs said anything that is in the Town's road layout is ours. If the people that put them there do not want to remove them, then the Highway Department can do it.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To have the person who put the items there remove them within two (2) weeks or the Highway Department will remove the plantings, flagpole and rocks from the Town's road layout.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To send a memo to the Board of Health that it has come to the Board's attention that the retaining wall for the septic system for 125 Staples Shore that they approved is partially located on the Town's road layout.  
Unanimous in favor.

#### **7:45 PM Discuss Roadside Memorial – Southworth Street**

*Mr. Vincent D'Andrea was present for the discussion.* Chairman Maksy read the letter from Mr. Peck into the record. Ms. Garbitt said Robert Iafrate, the Building Commissioner, had been working with her and Mr. Peck on this issue. Mr. D'Andrea told the Board that he was the father of a 16 year old boy who was a student at Apponequet who died on August 1, 2008 from a motorcycle accident. Mr. D'Andrea then showed a copy of the lease and the layout for the area where the memorial presently is. The lease is only for a year. Mr. D'Andrea said he did speak with Mr. Peck and the Police Chief since the memorial is on a secondary road and in a desolate part of the Town. He was told that they do not need a mirror there any more, and he was trying to find the one that his son had taken down during accident. He does not have a problem with moving the memorial off the road ten (10) feet onto private property, but he would like to wait until December. He will get a permit if needed. The memorial will come down in December

when the lease runs out. Mr. Iafrate said he had inspected the memorial site and asked Mr. D'Andrea to come here tonight. He had received a few phone calls when the memorial was erected. Mr. Peck did determine the memorial was located on Town property, and if it could be put on private property, that would solve the matter. Selectman Evirs said once it is off the Town's road layout, then he could do what he wanted with it. Selectman Evirs extended his condolences to Mr. D'Andrea. Mr. D'Andrea stated that the anniversary of his son's accident is August 1<sup>st</sup> and he would not mind moving it after that time. Selectman Evirs said it could be done after the anniversary. Mr. D'Andrea agreed.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To give Mr. D'Andrea three (3) weeks to move the memorial to a location that is acceptable to the Building Commissioner.  
Unanimous in favor.

#### **Discuss memo from Chairman Maksy regarding Full Regionalization Committee**

Chairman Maksy said he was trying to prepare questions to bring to the Full Regionalization Committee meeting. He read the questions that he had come up with so far. If anyone has something to be added, then he would add them.

- *What are the present and future enrollment numbers*
- *Region versus local budget comparison*
- *Region versus local net school spending per student comparison*
- *Region versus local bus routes*
- *Region versus local bus expenses (ask bus company to consult)*
- *School Committee membership*
- *Budget Committee in regionalization agreement*
- *MCAS results – compare the Region 10<sup>th</sup> grade to another 10<sup>th</sup> grade*
- *Region versus local administration costs*
- *Region versus local number of teachers and paraprofessionals*
- *Region versus local sport teams and extra curricular activities*
- *E&D (Excess & Deficiency) oversight – current \$1.2 million to proposed \$1.7 million*
- *Chapter 70 monies*
- *Transportation reimbursement percentages*
- *Additional third town member*

Chairman Maksy said some of the other members on the Regionalization Committee were ready to take action. Selectman Yeatts said we would have to insist that there is a Budget Committee for the Region that answers to both Towns. Chairman Maksy said we should set something up with Freetown to discuss this. Norman Orrall of Crooked Lane said the Region itself does not seem to be serving us right now. He did not know if it is the Superintendent or the Regional School Committee, but it just seems that the Region does not seem to be willing to work with the people of this Town. He could not see the sense of total regionalization. There was no sense of working together at Town Meeting. Selectman Yeatts said it has been very frustrating to us as well. Chairman Maksy said with full regionalization, we would want to make it work and get all those answers. Ms. Orrall asked how would full regionalization come about.

Ms. Garbitt said it would have to go to Town Meeting and a new Regional Agreement would have to be drawn up. Chairman Maksy said there is a lot of work to do.

**Review and vote to make annual reappointments**

Selectman Yeatts read the appointments into the record.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following for three (3) year appointments with terms to expire July 31, 2012:

Frank Alvilhiera	Lieutenant, Constable
Paul Hunt	Sergeant/Constable
Steven Leanues	Sergeant, Constable
Matthew Perkins	Sergeant, Constable
James Bowles	Police Officer, Constable
Antonio Amaral	Police Officer, Constable
Sean Michael Joyce	Police Officer, Constable
John McGinn	Police Officer, Constable
Daniel Mosher	Police Officer, Constable
Thomas Robinson	Police Officer, Constable
Valerie Bartholemew	Police Officer, Constable
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following for one (1) year appointments with terms to expire July 31, 2010:

John DeMoura	Reserve Police Officer
Susan Conway	Reserve Police Officer
Joseph Crowninshield	Reserve Police Officer
Patrick Curneen	Reserve Police Officer
Bruce Malenfant	Reserve Police Officer
John Vickery	Reserve Police Officer
Judith DeMoura	Matron
Kristen J. Campbell	Matron
Lori Wrightington	Matron
Corrine Darling	Matron
Mark Sorel	Keeper of the Lockup
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following for a one (1) year appointments with a term to expire July 31, 2010:

Steven Leanues	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver
Thomas Robinson	Surveyor of Wood, Bark & Lumber, Fence Viewer & Field Driver
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following for one (1) year appointments to the Fire Department with terms to expire July 31, 2010:

Kyle Barratt	Call firefighter
Aaron Best	Call firefighter
Christopher Bindon	Call firefighter
Christopher Carmichael	Call firefighter
Jared Darling	Call firefighter
Nathan Darling	Call firefighter
David DeBest	Call Captain
Spencer Drew	Call firefighter
Edwin Harkey	Call firefighter/chaplain
Jason Myers	Call firefighter
Joseph Sargo	Call firefighter
John Parlatore	Junior call firefighter
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Paul R. Bourgeois and Robert Whalen Jr. as Alternate Building Inspectors with a term to expire July 31, 2010.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Board of Appeals with the terms to expire:

Eric Levitt	Member	July 31, 2012
Carol Zimmerman	Associate Member	July 31, 2010
John Olivieri, Jr.	Associate Member	July 31, 2010
Joseph Urbanski	Associate Member	July 31, 2010
Unanimous in favor		



Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Board of Registrars with the terms to expire:

Barbara Rose	Member	July 31, 2012
Janet Tracy	Member	July 31, 2012
Lillian Drane	Associate Member	July 31, 2010
Unanimous in favor		

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Cable Television Committee with a term to expire July 31, 2010:

Donald A. Foster	Member
Thomas Cirignano	Member
David J. Curtis	Member
James Longo	Member
Sheri Colucci	Member
James A. Curley	Alternate
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Capital Expenditures Committee with a term to expire July 31, 2010:

Nancy Yeatts	Member
Rita Garbitt	Member
David Morwick	Member
Michael Petruzzo	Member
Scott Sweet	Member
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Robert Bouchard as a member of the Conservation Commission with a term to expire July 31, 2012.  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Council on Aging with a term to expire July 31, 2012:

Dorothy Wilson	Member
Emily Sparkman	Member
Catherine Sankus	Member
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Emergency Planning Committee with a term to expire July 31, 2010:

Daniel Hopkins	Member
Mark J. Sorel	Member
Christopher Peck	Member
Rita A. Garbitt	Member
Robert Souza	Member
Nancy Yeatts	Member
William Garvey	Member
Cindy Dow	Member
Marilyn Mansfield	Member
John McCarthy	Member
Richard Velez	Member
David Goodfellow	Member
Robert Iafrate	Member
Richard May	Member
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Daniel Hopkins as Emergency Response Coordinator with a term to expire July 31, 2010.  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Derek A. Maksy as Gas and Electric Commission Ad Hoc Representative with a term to expire July 31, 2010.  
Unanimous in favor (Chairman Maksy abstained)

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following as Gas Inspector's with a term to expire July 31, 2010:

Frederick A. Parmenter  
Jon Catalano, Assistant Gas Inspector  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the GATRA Advisory Board with a term to expire July 31, 2010:

Robert Brady	Delegate
Carl Asbury	Alternate Delegate
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Daniel Hopkins as Hazardous Waste Coordinator with a term to expire July 31, 2010.  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Historical Commission with a term to expire July 31, 2010:

Delia Murphy	Associate Member
Felicia Carter	Associate Member
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following as Inspector of Wires with a term to expire July 31, 2010:

John E. Beech	
C. Robert Canessa	Assistant (under M.G.L. Ch. 166, Sec. 32A)
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Albert Mason as Labor Counsel with a term to expire July 31, 2010.  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Lakeville Emergency Management Agency with a term to expire July 31, 2010:

Nancy Yeatts	Deputy Director
Daniel Hopkins	Director
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Master Plan Implementation Committee with a term to expire July 31, 2010:

James F. Rogers, II	Member
Rita Garbitt	Member
Rodney Dixon	Member
Robert Mello	Member
Derek Maksy	Member
Robert Iafrate	Member
Edward Bunn	Member
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Daniel Hopkins as Municipal Coordinator Right To Know with a term to expire July 31, 2010.  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Old Colony Planning Council Area Agency on Aging Advisory Committee with a term to expire July 31, 2010:

Robert Brady	Delegate
Carl Asbury	Alternate Delegate
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Old Colony Elderly Services Board with a term to expire July 31, 2010:

Marilyn Mansfield  
Catherine Sankus  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Open Space Committee with a term to expire July 31, 2010:

Donald Foster	Member
Brian Reynolds	Member
Martha Schroeder	Member
Linda Grubb	Member
Jaime Velazquez	Member
Joan Morton	Member
Michael Renzi	Member
Unanimous in favor	

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

VOTED: To appoint Charles E. Evirs, Jr. as Parking Clerk with a term to expire July 31, 2010.

Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following as Plumbing Inspectors with a term to expire July 31, 2010:

Jon Catalano	Plumbing Inspector
Frederick A. Parmenter	Assistant Plumbing Inspector
Unanimous in favor	

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Police Station Design Committee with a term to expire July 31, 2010:

Mark Sorel	Member
Matthew Perkins	Member
Christopher Peck	Member
Robert Iafrate	Member
David Morwick	Member
Jay Catalano	Member
Rita Garbitt	Member
Daniel Hopkins	Member
Gary Mansfield	Member
Kevin St. George	Member
Nancy Yeatts	Member

Tim LaChapelle           Member  
Paul Bourgeois           Member  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Rent Control Board with a term to expire July 31, 2010:

John Cataldo           Member  
Paula Beech           Member  
Donna Glidden       Member  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following as Sealer of Weights & Measures with a term to expire July 31, 2010:

David Enos           Sealer  
Mark Sorel           Deputy Sealer  
Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Robert Iafrate as Smart Growth Reporting Officer with a term to expire July 31, 2010.

Unanimous in favor

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Linda Grubb to the Southeastern MA Commuter Rail Task Force with a term to expire July 31, 2010.

Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Rita Garbitt as Storm Water Management Coordinator with a term to expire July 31, 2010.

Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Rita Garbitt as Town Administrator with a term to expire June 30, 2012.

Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Kopelman and Paige as Town Counsel with a term to expire July 31, 2010.

Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint William E. Garvey, Jr. to the Town Forest Committee with a term to expire July 31, 2012.

Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Christopher Peck as Tree Warden with a term to expire July 31, 2010.

Unanimous in favor.

Discussion occurred regarding appointments to the Water Study Board.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint the following to the Water Study Board with a term to expire July 31, 2010:

Patricia Welch	Member
Robert Bouchard	Member
Nancy Yeatts	Member
Terrence Flynn	Member
William Garvey	Member
Colleen Sheerin	Member
Edward Barrett, Jr.	Member
Unanimous in favor	

### **Review final draft of Request to Use Form and Building Use Policy-Town House/Town Office Building**

Ms. Garbitt said that the Board had discussed this issue a few times and made a few changes. She thinks that all the changes have been incorporated. Selectman Evirs said he had a few things he would like to add before he debated something else. He would like us all to consider adding to the rules that it is the responsibility of the user to inspect the premises prior to the use date. He would also like to add that the Board of Selectmen reserves the right to charge any fee to clean up or make any repairs that are the result of the user or the event, including monetary reimbursements and/or banning of future use. Ms. Garbitt said it might be a problem for someone to get the key and to then have someone go with them to inspect. There has not been a problem in the past, but in the future if it is, you could make it a rule. Selectman Evirs said he thought the people using it need to be held accountable. They cannot do that if they have not

seen the facility ahead of time. It was decided to add the following language: It is the user's responsibility to notify the town of Lakeville, if upon day of use, of any unsatisfactory conditions such as uncleanness or breakage. Upon the event of anything unsatisfactory, the Board of Selectmen reserves the right to charge fee to clean up, or make any repairs that is the result of the user, including monetary reimbursements and/or banning of future use.

Selectman Evirs said we also need to have users provide a Certificate of Insurance and not allow the Town to waive it since then we would have to assume responsibility on all of that. Mr. Olivieri said the Board would not be protecting the Town as much if you waive the Certificate of Insurance. Chairman Maksy asked what about someone having a fundraiser for a one time event. Mr. Olivieri said you can insure anything. Selectman Yeatts said we are covered; this just puts an extra layer of protection on the Town. She would like to look at this a little more since she felt the Town was covered. She has spoken to other Towns that do not do this. We have not had a problem, and she does not want to make it harder for people to use since it is a Town owned building and a privilege for the people to use. Selectman Evirs said there is a reason for insurance; you have a group, such as the Apponequet Boosters. They sell Christmas trees with chain saws and hand saws. What if someone seriously got hurt with the chainsaw? They will sue the Town of Lakeville when it is the Apponequet Boosters or the High School that should be responsible. They help put a Christmas tree on the roof of your car and the tree falls off the car and then claims that someone else is responsible. Ms. Garbitt said she thought that the Boosters were on the Region's policy, but they are not. Selectman Evirs said if this was on their own property, they would want the user to have their own insurance. After further discussion, it was decided to table the item for further investigation.

#### **Request from Historical Commission to place sign at Historic Library**

*Brian Reynolds, Chairman of the Historical Commission, and Nancy LaFave, member of the Historical Commission, were present for the discussion.* Mr. Reynolds said he would like to request permission to put up some signs. Matthew Gilbert did an Eagle Scouts project in Town constructing signs for historic sites. He had leftover materials and was considering putting up a sign at the Historic Library. He is also considering another sign at the Betty's Neck area, the site of the praying Indian Meeting House and the piece of land that was formerly called the Town Forest. Selectman Evirs asked what the design, size and location would be. Ms. LaFave said it would be similar to what used to hang there at the Historic Library. The sign at the meeting house would be a little different. We would make sure the signs conform to zoning. Selectman Evirs said just make sure that it conforms to zoning, and the Building Commissioner can waive the fee.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To allow Eagle Scout Matthew Gilbert to add two (2) more signs in Town pending approval of the Town Forest Committee, pending approval from the Zoning Enforcement Officer and to waive the fees.  
Unanimous in favor.



### **Review information regarding Verizon Cable Franchising Bill**

Selectman Evirs recused himself from the discussion. Selectman Yeatts said she would like to authorize Ms. Garbitt to send a sample letter. Ms. Garbitt said there is a hearing on July 27<sup>th</sup> at the State House regarding Verizon's proposed legislation that is not in the best interest of the Town.

Upon a motion made by Selectman Yeatts; seconded by Chairman Maksy stepping down to second and stepping back up it was:

VOTED: To authorize Ms. Garbitt to send a letter similar to the sample letter to all our the Legislators.  
Unanimous in favor.

### **Request for one-day liquor licenses – Lakeville Park Commission**

Chairman Maksy said the Board had received two (2) All Alcohol One Day Liquor License requests for the Park Commission.

Upon a motion made by Selectman Yeatts seconded by Chairman Maksy stepping down and stepping back up to vote, it was:

VOTED: To approve the One Day All Alcohol for the Swanson/Rosa Family party on August 22, 2009 from 12:00 PM to 6:00 PM.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Travis Albert Motorcycle Poker Run One Day All Alcohol License on August 8, 2009 from 11:00 AM to 6:00 PM.  
Unanimous in favor.

### **Revisit revised Conservation Commission fee list**

Ms. Garbitt said that the Board had previously reviewed the request from the Conservation Commission to raise their fees. If the Board approves the revision, the changes would be published in the newspaper. Discussion took place regarding the fees between Chairman Maksy and Selectman Yeatts. Selectman Yeatts asked Chairman Maksy what course of action he would like to take. Chairman Maksy said the Conservation Commission should follow Town Counsel's recommendation. We should just ask them to remove the fees that Town Counsel questioned. Selectman Yeatts said that Town Counsel's opinion stated they believed the fees in question could be subject to challenge. An aggrieved party would appeal to the Department of Environmental Protection first. If there was an adjudicatory hearing, then it goes to court. Chairman Maksy said the plan of action should be to let them know that they should follow Town Counsel's recommendation. Selectman Evirs said we did not pay Town Counsel for their advice to not follow it.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To strongly recommend that the Conservation Commission review Town Counsel's opinion. The Board of Selectmen believes the fees in question are more of a fine than a fee and they may be putting the Town at risk for potential court proceedings.  
Unanimous in favor.

Chairman Maksy spoke about the regulation regarding asking applicants to identify an area in the future for a swimming pool. If someone would like a swimming pool in the future, then they would have to file. Ms. Craig said Emery Orrall, Chairman of the Conservation Commission, spoke to her today regarding this. The Commission's concern was that someone goes before them to build a house. The applicant is asked if they plan to add a pool in the future, and they say no. Then a year later they come back to the Commission wanting a pool, which cannot meet all of the requirements, and then it is a hardship application. Selectman Yeatts said the Commission has a policy of a 25 foot no touch zone. There should not be any components in the buffer zone, which is 100 feet. Chairman Maksy said he would like Town Counsel to look at these two (2) policies. Selectman Yeatts said the Conservation Commission can adopt policies. It was agreed that Town Counsel will review the new policies for the Conservation Commission. Ms. Garbitt will send a memo to the Conservation Commission regarding the new fees.

#### **Request for reappointment of Paul Colombo as Constable**

Chairman Maksy read a letter from Paul Colombo to be reappointed as a Constable.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To reappoint Paul Colombo as a Constable with a date of expiration of June 12, 2010.  
Unanimous in favor.

#### **Request to hold the Cranberry Trifest Triathlon-August 29 and 30, 2009**

Chairman Maksy read the request from Eric Averill to hold the Cranberry Trifest Triathlon on August 29 and 30, 2009. The race would begin at Ted Williams Camp. Selectman Yeatts said they need to use chalk instead of paint on the roadways. Selectman Evirs said we need to require that they clean whatever they use to write on the asphalt. He was mainly concerned about in front of the Senior Center immediately after the race.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the request for the Cranberry Trifest Triathlon to be held on August 29 and 30, 2009 originating from the Ted Williams Camp with the conditions that were in place last year. In addition, any writing material used in front of the Senior Center or on the route must be cleaned up immediately after the race.  
Unanimous in favor.

### **Review and award bid-crack sealing various roads in Lakeville**

Chairman Maksy said that the Town had gone out to bid for crack sealing on various roads in Town. Christopher Peck, Superintendent of Streets, had recommended that the bid be awarded to Sealcoating, Inc. for a total of \$45,359.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To award the crack sealing bid to Sealcoating, Inc, for eight (8) streets in the amount of \$45,359.  
Unanimous in favor.

### **Revisit the awarding of the bid for bituminous concrete**

Chairman Maksy said that the Town had gone out to bid for bituminous concrete to be placed on various roads in Town. Christopher Peck, Superintendent of Streets, had recommended that the bid be awarded to Aggregate Industries-Northeast Region, Inc. for \$58.80 per ton in place on the street. He had questioned whether he would be able to split the bid between "in place" and "at plant" as it would be less costly for him to go to Rochester Bituminous for "at plant" product. It was Town Counsel's opinion that the bid could not be split.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To reaffirm the previous vote to award the bituminous concrete bid to Aggregate Industries-Northeast Region, Inc. for \$58.80 per ton in place on street.  
Unanimous in favor.

### **Request for road cuts: 65 and 167 Rhode Island Road-Bay State Gas**

Chairman Maksy said the Board received a request for a road cut for 65 and 167 Rhode Island Road for Bay State Gas.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve a road cut to install a new gas service at 65 Rhode Island Road pending approval from the Superintendent of Streets.  
Unanimous in favor.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve a road cut to install a new gas service at 167 Rhode Island Road pending approval from the Superintendent of Streets. If the pavement is actually disturbed, all conditions of the permit must be adhered to.  
Unanimous in favor.

### **Request to use Town Office Building for fundraiser car wash-Warriors Swim Team**

Chairman Maksy said the Board had received a request from the Warriors Swim Team to hold a fundraiser car wash at the Town Office Building on August 8, 2009 from 9:00 AM to 1:00 PM.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the request of the Warriors Swim Team to hold a carwash at the Town Office Building on August 8, 2009 from 9:00 AM to 1:00 PM with the condition that they use biodegradable soap. They will also have to adhere to any policies that may come into place regarding the use of Town Properties.  
Unanimous in favor.

### **Review Conservation Restriction for Howland Road**

Chairman Maksy recused himself from the discussion. Ms. Garbitt said that she had not received the final changes back from Robert Ford, but Town Counsel has approved everything up to this point. We have an August 1<sup>st</sup> deadline, so we need Audubon to complete their revisions.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To approve the Conservation Restriction for Howland Road.  
Unanimous in favor.

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

Ms. Garbitt said that Mr. Iafrate had requested that Nathan Darling be appointed as Assistant Building Inspector. Chairman Maksy said this is a new position and would be part of the retirement system. He would like to look into this further. Selectman Evirs said he also would like to find out more about the Town's liability.

Norman and Keiko Orrall said in light of the override failure, they wanted to recommend that a fund be established for people for or against the override to make tax deductible donations to either the Fire, Police, or School. We recognize that there were people who voted yes for the override. If enough people who voted for the override wanted to donate money, it could be a significant amount. Selectman Yeatts said she thought that was a really good idea, but she didn't know if there was a fund to put the money. Mr. Orrall said he thought perhaps a private fund. Ms. Garbitt said the Town Departments do have a Gift and Grant Fund and the person could specify where they wanted their donation to go. That would be one way and it would be tax deductible. We could also check with the Town Accountant to see if there are any other ways available. Mr. Orrall said he would just like to have a mechanism available for people if they would like to do it.

Chairman Maksy said the Police Chief Sorel had requested the appointment of Michael J. Dwyer as a Reserve Patrolman. A brief discussion occurred.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To appoint Michael J. Dwyer as Reserve Patrolman with a term to expire July 31, 2010.

Unanimous in favor.

Selectman Yeatts updated the Board on the pending contract for Field Engineering for the water line extension. Deadlines are approaching and Ken Motta will be hustling to meet them. She would like the Board to vote to authorize Ms. Garbitt to sign the contract pending Town Counsel's approval. Mr. Motta has been doing a good job. Selectman Evirs asked if this contract is for the work that is left to complete the job. Further discussion on the matter took place between Selectman Yeatts and Selectman Evirs. Selectman Yeatts said she thought Field was right on the figures. Selectman Evirs said he did not want to think, he wanted to know. He did not want to award the contract if it is over the budget. Ms. Garbitt said the total contract was \$30,000 and we paid Tibbetts Engineering \$11,000. Selectman Evirs said the contract is asking for \$34,000. Chairman Maksy said they need to show where they met Tibbetts bid and what the overage will be. There are charges in here that were not part of the original bid, and we need to have him pull it out. Selectman Evirs asked when the Town originally went out to bid, what was the budget. Selectman Yeatts suggested that Selectmen Evirs speak to Mr. Motta about this and resolve it satisfactorily. Selectman Evirs said he would meet with him. This still needs to be reviewed by Town Counsel.

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To authorize Ms. Garbitt to sign the contract with Field Engineering pending Town Counsel's approval. Selectman Evirs will be verifying the work with Field Engineering. The additional amount will be a separate line item and will be paid out of the Water Stabilization Account.

Unanimous in favor.

### **Other Items**

1. Letter from Bob Rand regarding Lakeville Fire Department  
Selectman Evirs read the letter into the record regarding Mike Moriarity and Tim Collins.
2. Letter from Drew Elder regarding Lakeville Fire Department  
Selectman Evirs read the letter into the record. Selectman Yeatts asked to make sure that the Firefighters involved got copies of the letters.
3. Memo from Board of Health regarding reappointment of William Garvey, Jr. as Chairman
4. Board of Health appointments
5. Letters from Board of Health – Town of Lakeville ZBA petitions
6. Swine Flu Update as of July 6, 2009
7. Letter from CEA regarding 79 Main Street
8. Letter from Massachusetts Historical Commission regarding Kensington Court at Lakeville Station

9. Notice of Taking-Massachusetts Department of Highways – relocation of Route 79
10. Memo from Town Counsel regarding Placement of Permanent Monuments in Public Parks
11. Memo from Town Counsel regarding Certificates of Constructive Approval
12. Memo from Town Counsel regarding Calculating Minimum Lot Area  
Chairman Maksy asked that this be forwarded to the Building Department. Ms. Garbitt said it had already been done. Selectman Evirs-asked to forward this to the Zoning Board of Appeals and Board of Health also.
13. Old Colony Newsletter
14. Letter from West Bridgewater Selectmen regarding Power Plant Task Force  
Selectman Yeatts said she will try to attend.
15. Agenda of SEMASS Communities for July 22, 2009
16. Letters from Executive Office for Administration and Finance regarding Plymouth County Retirement Association
17. Letter from Radio Solutions regarding two-way radio communications
18. Letter from DEP regarding Ground Water Rule
19. Letter from DEP regarding New Emergency Response Regulations and Chemical Safety Control Strategy
20. Letter from Lieutenant Governor regarding Municipal Permit Tracking System
21. Plymouth County Cooperative Extension Calendar-July-August
22. SRPEDD Commission July 22, 2009
23. JTPG Meeting – July 22, 2009
24. SRPEDD Comprehensive Economic Development Strategy 2009
25. SRPEDD Annual Report
26. Notice from South Coast Rail-Upcoming Technical Assistance Opportunity  
Ms. Grubb said she was not sure that the Town was getting a lot out of this technical assistance. Selectman Yeatts said she did not learn anything new from the seminar. It seems like the consultants are there to help, but not in the way that we need to be helped. Ms. Grubb said she thought they would be coming in to help us, not just holding seminars. She was not satisfied with what they have done already. The new rail to New Bedford and Fall River will be passing through a portion of Lakeville. Selectman Yeatts said they have money to provide technical assistance and it is not serving the purpose it seems to have been intended for. Ms. Grubb said she did not know what to suggest, but she wanted to know if the Board thought it was a worthwhile process. Ms. Garbitt said she was attending a SRPEDD meeting during the week, and she could bring that up with them. Selectman Yeatts said the Town needs specifics, like planned housing production.
27. Notice from SRPEDD-Massachusetts Coordination Institute
28. Notice of upcoming Council meetings-Regional Sustainability Council
29. Minutes-MBTA Advisory Board meeting
30. Information from MBTA Advisory Board regarding the Transportation Reform Bill
31. Mass Interchange Newsletter – Spring 2009
32. FVAC Chapter Land Recommended Value-FY10
33. DOR Bulletin-Local Option Excises  
Selectman Evirs said the hotel tax does not apply to Lakeville since we do not have hotels. We should consider the meals tax once we are provided with the information

regarding funds that this might generate. Ms. Garbitt said it would need Town Meeting approval.

34. SEED News Releases
35. Forest Futures Visioning Process – Mass Wildlife
36. Mass Wildlife News
37. Memo from Department of Fish and Game regarding Invasive Zebra Mussel
38. Letter from Comcast regarding Service and Channel Line-up Changes
39. Notice of hearing-Comcast Basic Service Tier rates
40. Letter from Lombardo Associates regarding Nitrogen Removal Technology
41. Massachusetts Council on Compulsive Gambling Newsletter
42. DCR Access News
43. FY10 Certified Budget for Old Colony Regional Vocational Technical High School  
Selectman Evirs said Old Colony saved the Town a little money on this.
44. Letter from Governor Patrick regarding 2010 Commonwealth Capital Policy
45. Notice from Deputy Commissioner of Revenue regarding MARPA conference  
September 3, 2009

At 11:35 PM, upon a motion made by Selectman Evirs; seconded by Selectman Yeatts the Board:

VOTED: To enter into Executive Session and not to return to Open Session to discuss the Collective Bargaining Agreement with the Police Department.  
Polled vote: Selectman Yeatts - aye, Selectman Maksy – aye and Selectman Evirs – aye.

