

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
September 12, 2011 – 6:30 PM

On September 12, 2011, the Board of Selectmen held a meeting at 6:30 PM at the Freetown Elementary School to meet with the Freetown Board of Selectmen. The meeting was called to order by Chairman Olivier at 6:30 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 were present once the meeting convened at the Lakeville Town Office Building. Cindy Dow of the Middleboro Gazette was recording the meeting at the Lakeville Town Office Building.

6:30 PM Meet with Freetown Board of Selectmen to discuss the GRAIS Agreement at Freetown Elementary School

Freetown Selectmen Chair Lisa Pacheco thanked the Lakeville Board of Selectmen for attending the Freetown Board of Selectmen's meeting to discuss the GRAIS Agreement. Selectman Pacheco stated that the intent was not to leave the School Committee or the Superintendant out of the meeting, but that this was more of a budgetary conversation. Chairman Olivier stated that Lakeville has 550 guaranteed seats at GRAIS as long as Lakeville pays the debt on the school. He feels that Assawompset is overcrowded and the Intermediate School is being underutilized. He spoke to Town Counsel regarding the situation, but they could not give an opinion as they represent both Freetown and Lakeville. The Lakeville Selectmen contacted a separate attorney for an opinion, who stated that the Town definitely has a case that could be pursued, but that is not Lakeville's intent. The Lakeville Selectmen feel that there's an inequity in that Lakeville is paying the debt, but are not able to utilize more seats in the school. Their goal for next year is to have fourth graders go to GRAIS and we are looking for reimbursement for this year for not sending fourth graders to GRAIS. Selectman Belliveau said he felt that the GRAIS Agreement should have been amended before full regionalization occurred. The playing field needs to be leveled between both towns. Selectman Maksy agreed that Assawompset is over capacity. He suggests doing away with the GRAIS Agreement and letting the School Committee pick up the burden. Chairman Olivier said that Lakeville cannot sit back and wait on the School Committee to decide if they can move the fourth graders or not.

Chair Pacheco said that both Boards of Selectmen really need to work together and they have done so lately. School Committee Chairman Lawrence Ashley stated that the School Committee is not refusing to move the fourth grade to GRAIS. They are just waiting for the Educational Model Subcommittee to make a recommendation, which they have not done as of yet. He stated they are trying very hard, and that there is a great committee in place. Chair Pacheco said that the conversation has been initiated and that both Boards of Selectmen have heard each other's concerns. It was agreed that it is never too soon to talk about next year and as soon as the School Committee comes to a decision, both Boards of Selectmen will meet again.

At 7:05 PM, upon a motion made by Selectman Maksy and seconded by Selectman Belliveau, the Board

VOTED: To continue their Meeting at the Lakeville Town Office Building.
Unanimous in favor.

8:00 PM Meet with Building Commissioner to discuss the request for Junk Dealer/Junk Collector-61 Rhode Island Road

Robert Iafrate, Building Commissioner and Donald Bernier and Robin Marques were present for the discussion. Chairman Olivier noted that it was not a requirement to send notices by certified mail as this is not a formal hearing, and it is not required. Mr. Iafrate said that Mr. Bernier was unaware that the Selectmen would be discussing this matter at the last meeting. Chairman Olivier said that the Board had visited the property. Mr. Iafrate gave a brief summary of the last meeting when this topic was discussed. The day after the last Selectmen's meeting, Mr. Iafrate went out and walked the site with Chairman Olivier and Selectman Belliveau with Mr. Bernier. The display of second hand materials in the front of the property is not allowed, however, there is no by-law regarding a perpetual yard sale. Mr. Iafrate is hoping to find a balance. A few options have been suggested in order to solve the neighbors' concerns. The owner may be able to apply for a Home Occupation Permit and have a small sign to direct people off the road to his property for parking. Perhaps he can display items behind his garage and allow for parking there. Mr. Iafrate said another concern has been the condition of some of the old buildings on the property. During the site walk, Mr. Bernier stated that he would be taking things down and making repairs. Mr. Bernier stated that he has moved the bikes back.

Robin Marques said we have not made a lot of changes, since we were waiting to see what this permit process entailed. Ms. Marque said that none of the neighbors ever approached them regarding this. We are not the type of people to do anything illegal or outside the bounds. We have collected the names of people who live in our community who support us. Chairman Olivier stated that the Board is aware that some changes have been made. The owners will keep a log of anything bought or sold over \$50. Ms. Marques asked if there was any information on what they would be required to do to gain this permit. Chairman Olivier explained that it is pretty basic. A log will need to be kept, and the items discussed at the site visit be done. Chairman Olivier stated that he was comfortable with the recommendations discussed at the site visit.

Robert Sullivan of 3 Sterling Court stated that there are yard sales and there are junk yards. They have a Volkswagen bus, Coke machines and trash everywhere. Previously they were selling plants and flowers, but it has grown and grown and grown. This is a junk yard, not a rolling yard sale. Nothing has been moved. Chairman Olivier stated that the items will be moved. It will be part of the conditions for the license. We only observed one (1) unlicensed vehicle. Mr. Iafrate explained that a Junk Dealer License is renewable annually. As a condition for approval, Mr. Bernier should show good faith by taking down the barns with the tarps on them. There is also actual junk at the end of the driveway. Perhaps he should get rid of that and make repairs to the house, then maybe some sort of conditional approval can be done. Mr.

Bernier stated that at the end of the garage, there had been a portable garage and that fell last winter. He will do as much as he can.

Selectman Maksy stated that the property is an eyesore. He does not know what controls need to be put in place. The Board needs a lot of good faith from Mr. Bernier. Ms. Marques stated that this forum is the first time that this has been brought to their attention. Selectman Maksy suggested that if the items were located in one (1) particular area, then it would be more controllable. Mr. Iafrate stated that was talked about at the site visit. Mr. Iafrate stated his concerns about the junk at the end of the driveway and the chicken coups, which are a hazard. Mr. Bernier stated that he has no trespassing signs up. Mr. Iafrate suggested creating some room by putting items behind the garage. Doug Johnson of 55 Rhode Island Road said he thought that the entire yard should be cleaned up, before they get any licenses. If he goes left out of his driveway, he sees a mess.

Selectman Maksy stated that he would rather hold off for six (6) months and see if changes have been made and perhaps then provide a license. We need to get control of this first. Selectman Belliveau stated that the idea of getting a Junk Dealer License is that there will be some accountability for the Town. Mr. Iafrate can go out and inspect the property. Chairman Olivier stated that the next time this comes before the Board, the Board will be able to act one way or another. If he wants to renew the license, he will have to clean up the property. Mr. Bernier will continue to do what he is doing, whether we give him a license or not. They have made every indication that they will address this. Chairman Olivier thought that the Board should revisit this next year in time for renewal and hopefully everything will be moving in the direction it should be. Selectman Maksy said he would rather clean it up and then in six (6) months, revisit this and issue the license if it has been cleaned up. Mr. Iafrate stated that he brought this before the Board in order to try to bring the property into compliance. Chairman Olivier stated that the Board can put conditions on the license. If Mr. Bernier does not meet the conditions, then the license is in jeopardy and can be revoked. We need to make the conditions as strong as possible. Chairman Olivier stated that only the plants will be out front. However, the Bylaw cannot force Mr. Bernier to fix up the buildings. They need to clean up the junk so that it is more organized and not so much of an eyesore. Ms. Garbitt stated that Mr. Bernier can be fined for not being in compliance and the Board can also say that within 30 days the items have to be inside the buildings. Selectman Maksy stated that the Bylaw says items are not visible to the general public. Selectman Belliveau stated that the Board would like to eliminate a perpetual yard sale.

Selectman Maksy stated that it is a lot of work for them to meet the intent of the Bylaw. He would personally like to give them time to get the property cleaned up, or they will be in direct violation of the Bylaw from day one. Selectman Belliveau asked how long it would take to move the items from the front lawn. Ms. Marques responded they could do it in a week. Chairman Olivier suggested a 30 day time frame for the removal of the items from the front yard.

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

VOTED: To grant the Junk Dealer/Junk Collector License to Donald Bernier and Robin Marques, subject to the following conditions of the Building Commissioner:

remove the for sale items in the front yard to the rear of the garage, create parking areas off the road, erect a small sign with a directional arrow to help people come off of the road, and the plants are allowed to remain in the front for sale. The license will be in effect for nine (9) months and will expire May 1, 2012.
Unanimous in favor.

8:15 PM Meet with Building Commissioner and Conservation Commission to discuss issues regarding Building Permits

Robert Iafrate, Building Commissioner, Tara Martin, Conservation Agent, Emery Orrall, Joseph Chamberlain and Linda Grubb, members of the Conservation Commission, were present for the discussion. Mr. Orrall spoke about enforcing the Wetlands Protection Act (MGL Chapter 40, Section 131, Paragraph 51). He had met with Mr. Iafrate and he flatly refused to use the sign off sheet. The Conservation Commission can issue a Cease and Desist Order, even though there may be a Building Permit in place. Mr. Orrall stated that if the Selectmen are not going to step up and instruct Mr. Iafrate to involve the Conservation Commission, then he is going to issue these orders. Chairman Olivier stated that if they are in violation, then you have the authority to issue a Cease and Desist Order, but it is not the job of the Building Commissioner to monitor this. Mr. Orrall agreed that the Building Commissioner has no authority to make the decision, but he should be forwarding all permit applications to the Conservation Commission. Mr. Orrall then explained situations that have been transpiring with several sites. Chairman Olivier suggested that maybe the Building Commissioner may just need to see some of the conditions. Mr. Orrall stated that he attempted to give them to him, but he refused to put them in his office. Chairman Olivier stated that the Building Commissioner has to act within 30 days on a building permit application. Ms. Martin stated that her office could expedite the process if they signed off on the applications, but they are not being provided to her office. Of the 157 Building Permits issued, only 36 had been sent to her office. There is a sign off sheet, and it is not being sent to her office.

Selectman Maksy stated that the Selectmen are responsible to the residents for the Conservation Commission. Mr. Orrall stated that Mr. Iafrate refuses to cooperate with the Conservation Committee. This has been ongoing, and it is getting worse. It is our duty and responsibility to protect the wetlands. When this is side stepped with a ridiculous affidavit, then it is up to us to step in. Ms. Martin stated that if the Building Permit application comes to her office, she can make a determination quickly, and then send it back down to the Building Department. Selectman Maksy asked about the \$50 fee. Ms. Martin said there is no charge to the applicant for her to review the permit application.

Janice Swanson, Building Department Clerk, said that she has sent Conservation permit lists and has told Ms. Martin to come down every day as she leaves the application file out. If Conservation is really interested, why don't they come down to the Building Department every day. She has received numerous complaints that the Conservation Commission has not gotten things processed and returned to the Building Department. The Building Permit goes up to Conservation, and then she has to call and track down the permit since the applicant has been waiting a month or more. Mr. Orrall stated that the information we are being offered is public information. It is a list of permits that have been issued. We are allowed to view, pick up or are

sent these permits after the fact. He is no longer playing that game. If he reviews the permit and finds violations, he will issue enforcement conditions.

Selectman Belliveau asked how many of the permits that Conservation had not reviewed had violations. Mr. Orrall responded that he did not know. Chairman Olivier asked if a resident filed a Notice of Intent, how would you know if the conditions were being followed. Ms. Martin explained that when the job begins, she does visit the site, and when the job is completed, a Certificate of Compliance is issued. They work with as-builts and sign off on that, if all the work was done accordingly. Ms. Martin said that they are asking for the sign-off sheet to be used by the Building Department. Mr. Iafrate stated that there was a discussion a month ago and he was asked to be more sensitive to conservation issues, and he has been. The Building Department has been sending Conservation more permits than before. However, permits such as roofing or to build a shed on the same footprint as another shed move through our office quickly. Ms. Martin is not here all the time, so we have a hard time getting paperwork back. Sometimes it takes weeks, so the permits get issued. If there is a larger project with footings, new construction, etc., then those go to the Conservation Commission to be signed off on. Conservation would like all permits, like decks, roofs on a deck and smaller projects, to be reviewed by them, but since Ms. Martin is not accessible all the time, this is difficult for people. Mr. Iafrate said that Town Counsel has no problem with the affidavit. He does not want to have the process last a few weeks, the people will not come in for the permits. He also does not want to add another layer of scrutiny. If it is wrong, then issue a Cease and Desist Order. If Conservation would like to give us an informational packet to attach with the Building Permit Application, we can add that very easily. He has always maintained that if there is no ground disturbance, then nine (9) out of ten (10) times the Conservation Commission does not have to sign off on the project. If Mr. Orrall feels that he is not doing his job, he disagrees. He is making the Building Department user friendly. It is a difference of philosophy, and he does not know where this is coming from.

Ms. Swanson said she has worked for the Building Department for ten (10) years and has never heard that the Conservation Commission wanted to add papers to the Building Permit Application. If so, why don't they have it available on their website or on the front of their office. Joseph Chamberlain said this week marks his 35th consecutive year on the Conservation Committee. One of the things that a number of Selectmen have said to him over the years is that they think the Conservation Committee tends to use common sense. We are a protective agency, like the plumbing inspector or electrical inspector. If you ask the general person if something is to code, they would not know since they are not electricians or plumbers. 90% of wetlands show no water at all. It depends on growth and soils. All we want to do is offer the applicant information before they get into a lot of trouble; to allow us to make a quick determination if the Wetlands Protection Act applies. We have an employee that works only 15 hours a week, so we cannot do things as fast as if we had a 40 hour employee. We want to protect people that have impervious land and all who reside in the neighborhood. We just want a quick look. After 35 years, he has seen a lot of people come and go, and all things usually get ironed out. He has never seen anything like this where a Town official does not want to do something. It causes a disruption. Mr. Iafrate stated that he took offense that he is not doing a good job. Robert Darling, former Building Commissioner, said sending applications to Conservation was always at the discretion of the Building Commissioner. There is no obligation for him to send someone

to the Conservation Committee. He does want to play ball, but make it so it is simple. Going back to the Shore Avenue application, that was a shed that was already there. The new shed was being built on the same footprint and not disturbing the ground. The new shed would be erected where an old shed was, and it was not disturbing the ground. Another application was for a roofing permit, and the resident had to pay Ms. Martin \$50 to look at the location of where the roof was. Ms. Martin said the sheds, decks and pools used to have to file a Request for Determination of Applicability. The Commission instituted a \$50 fee for a simplified permit process for sheds, pools, decks, or roofing/siding within 50 feet of the wetlands. Ms. Martin can inspect that day. She is trying to expedite the process.

Selectman Belliveau stated that an applicant would have to do something wrong to be in violation. Mr. Orrall stated that any work done under the buffer zone is under the Conservation Commission's jurisdiction. He thinks there is a communication problem. Chairman Olivier read the regulations into the record for 310 CMR (Commonwealth of Massachusetts Regulations) 10.0. After further discussion on the matter from both sides, Selectman Maksy stated that perhaps he can meet with Ms. Martin and Mr. Iafrate and try to identify what they think needs to go to the Conservation Commission and come up with a check off list for Mr. Iafrate. He could try to mediate this and try to see what can be fast tracked, and then present it to the Selectmen. Selectman Maksy stated that the Board wants to make sure what needs to go to the Conservation Commission does. Ms. Martin said that she will go out of her way to expedite the permit process. If she had the GIS software, it would take her only two (2) minutes to check on some sites. Selectman Maksy stated that if the Building Commissioner had GIS, he could do that as well. Ms. Garbitt will look into this.

Ms. Grubb mentioned that it would be nice to be able to increase Ms. Martin's time. She needs more time to do the administrative work and site visits are necessary. Selectman Maksy stated that he can look at that as well if the Board would like him to. Chairman Olivier stated that can be looked at during the next budget cycle. Mr. Iafrate stated that this is the same outcome that took place at the last meeting. We have made adjustments. Ms. Martin does not have enough time and so it is put on his shoulders. There is nothing wrong with the system; we are doing it the right way. When we have applicants coming down from Conservation and yelling at Ms. Swanson, we issue the permit since they are saying that they cannot get their permit. For the record, our Department is doing its job; the problem is not in our Department. Selectman Maksy stated that everyone just needs to work together. Ms. Garbitt stated that Ms. Swanson is not the only one getting the complaints; they come into the Selectmen's Office as well.

Chairman Olivier suggested that the Board allow Selectman Maksy to work with both Departments to go through his exercise. Selectman Maksy stated that the Board can go to Town Counsel to get an opinion on this. Ms. Grubb stated that she wants to help the homeowner protect their resources. Ms. Martin stated that what people are storing in their sheds is a concern. The Conservation Commission needs to be aware of these types of things.

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

VOTED: To have Selectman Maksy meet with the Building Commissioner and Ms. Martin and to come up with an analysis of how to resolve the complications and concerns.
Unanimous in favor.

Meet with Building Commissioner to discuss Kennel License By-Law and review Zoning By-laws Section 6.1.2; 6.1.3; 6.1.8 and 5.1.3

Robert Iafrate, Building Commissioner, and Janet Tracy, Town Clerk, are present for the discussion. Mr. Iafrate stated that Town Counsel said to go by the State regulations with respect to the Kennel License By-Law. Town Counsel indicated that it was not felt that the Town needs to have its own by-law, but the Town needs to make some changes to its Bylaw. Mr. Iafrate asked if the Selectmen would like to pursue an amendment to the Town Bylaw or go with the State's by-law. Mr. Iafrate stated that the Town has a Bylaw that a Kennel can only be located in a Business zone. Selectman Maksy stated that there are two (2) different rules out there, and the Board needs to determine which one is best for the Town. The Planning Board has indicated that they would like the Board to work on a Kennel Bylaw. Selectman Belliveau stated that the State is saying that the Town has to give out Kennel Licenses no matter what. Chrysavge Poullas asked about inspections of the kennels. Selectman Maksy stated that he is not sure if inspections are required. Athanasios Poullas stated that the State requires Kennel Licenses be issued. There are other aspects of the license that must be a grave concern to all in Town, such as the direct impact of noise, sewer, runoff etc. Selectman Belliveau stated that since a permit has to be issued, a Bylaw is needed to govern them. Ms. Garbitt said that the Town issues the license and then they receive a notice that a kennel is not allowed in their zone and that they are in violation of the zoning Bylaw.

Mr. Iafrate stated that a Kennel License is a Special Permit in all zones and then each application can be tailored to its specific site. Special Permits have conditions attached to them; that would be the safest route and will protect the Town. Ms. Garbitt added that some Kennel Licenses are grandfathered. Mr. Iafrate stated that there is a dog rescue for pit bulls located in a residential area, and was the catalyst for this. They have a paper that says that they can operate a kennel and yet the Zoning Bylaw says that they cannot. Mr. Iafrate stated that the Bylaw can be tailored, and the Board can refuse to issue a Special Permit. Ms. Poullas stated that she was concerned about someone having 40 dogs and then going to 100 dogs once they get a Kennel License. Mr. Iafrate explained that the Town is trying to merge what the State allows and what the Town allows and put some conditions on the kennel if it is in a congested area and not on a farm. Ms. Garbitt stated that the next step is to meet with the Planning Board. Chairman Marot thinks it should be a General Bylaw, but through a Special Permit. They do not have to hold hearings for General Bylaws, but it has been the Town's policy to get input from them. The State is working on amending the State law; however, it is a long ways away before they amend it. This State statute has caused so much confusion in so many towns. Ms. Garbitt said the pit bull rescue is what is typically brought it up. It should not be there since it is a Residential zone. Mr. Iafrate stated that he has put them on notice, but has not done a Cease and Desist Order yet. He is waiting to see what the Town will do. They would have to apply for a Special Permit to be

legal. Ms. Poullas stated that she is asking Mr. Iafrate to enforce the Bylaw. She referenced a doggie daycare on Montgomery Street. Mr. Iafrate stated that these are operations that have been in business for several years, and they are grandfathered after ten (10) years. Selectman Maksy suggested that the Selectmen attend the Planning Board meeting at 7:30 PM on September 27th.

Selectman Maksy stated that the Town has a few conflicting Zoning Bylaws, mainly 6.1.2, 6.1.3 and 6.18. Mr. Iafrate asked to strike the word greater on 6.1.2. He added that if the Town gets rid of the Demolition Bylaw completely and just use 6.1.3, it would be better overall. Discussion took place on the bylaws in order to try and clarify them. Clarification will also help save the Board of Appeals a lot of hearings. This will go before the Planning Board before it goes to Town Counsel. Selectman Maksy suggested that the Board of Appeals be included in the discussion as well. Ms. Garbitt stated that she will forward this to Donald Foster to make sure that they know the matter will be discussed.

Selectman Maksy stated that the last Zoning Bylaw to discuss is about easements (Section 5.1.3). Mr. Iafrate stated that this got started because the Residences at Lebaron Hills received an easement for their back part of the frontage. Ms. Garbitt stated that the Planning Board will be notified about this. Mr. Iafrate explained that the problem is with the words, septic and drainage.

Discuss memo from Board of Assessors regarding their office at 239 Main Street

Robert Iafrate was present for the discussion. Chairman Olivier stated that Dana Lucas sent Ms. Garbitt a memo dated September 1, 2011 about concerns with the basement at the Assessor's Office. Mr. Iafrate explained that the basement is an old stone foundation. There was a big bag of soda cans left broken open on the floor, and it developed a white fungus ring around it. It must have been there for many months. There are also a lot of cobwebs since no one goes down there. There is no air flow or ventilation. At a minimum, the spider webs should be cleaned up and the trash cleaned out. Ventilation and a humidifier need to be provided to mitigate the moisture. Ms. Garbitt stated that she has asked the custodian to get a dehumidifier. The custodian is looking at the downspouts to make sure that the water does not go into the building. There is a walkout wooden door, and the water from the dehumidifier could be pumped out there. It is just that no one has been down there for such a long time. The mold has been taken out with the trash, it was not toxic. Chairman Olivier stated that when they replaced the boiler, the contractor stated it had asbestos. It is still there and cannot be moved due to asbestos. Mr. Iafrate stated that unless someone is messing around with the asbestos, it is not getting into the air. It can be encapsulated, so that it is not airborne. The best option is to remove it and have an abatement done. Selectman Maksy stated that it will only get harder down the line with asbestos laws, so it is best to get rid of it now, if the Town can. Mr. Iafrate stated that he has reached out to an environmental company that will come down this week and take a look at it. Chairman Olivier asked if the basement could then be used for storage once it is cleaned out. Mr. Iafrate stated that the floor is a concrete floor, but the area is a moisture pit. It does not seem that it could be used for storage.

Discuss memo from Open Space Committee regarding the Expanded Bottle Bill

Linda Grubb was present for the discussion. Ms. Grubb stated that she would like the Selectmen to support the Expanded Bottle Bill as other communities have been doing. Selectman Maksy asked what the cost was to the consumer for this. Ms. Grubb responded that it would be nothing if they return their bottles. The bill expands to juice drinks and water bottles. Possibly there will be handling costs that the manufacturer will tack on. Right now the Bottle Bill is just for carbonated drinks. The bill is supposed to create jobs, not cost jobs. The funds raised will be used for recycling programs and other environmental programs, and that is only the money that has not been collected from the consumer. She is mainly concerned about the litter throughout the Town. This is a way to get the litter picked up. People do go out on bikes and pick up the recyclables for the money, but leave the rest of the containers.

Selectman Maksy stated that he would like to know what the additional costs are going to be, and until the bill is passed, it is not clearly known where the money is going to go. Ms. Grubb stated that she is simply asking that the Selectmen sign onto the bill. It would be beneficial to also include liquor bottles, including the miniature ones. Selectman Belliveau stated that if littering was enforced and people were fined, then there may not be such a problem. He stated that he felt that it was an enforcement problem. The bill will increase the price for a case of water, and most people will then go buy bottles of water in NH or RI that will still be thrown out the window. There are 24 bottles per case, so that is an additional \$2.40 added onto the price. Ms. Grubb stated that she is just asking the Board to consider this. Selectman Maksy stated that he did not know who supported this or drafted this, but he did not think that the Selectmen should be getting involved with it. Ms. Grubb suggested perhaps a referendum vote to ask the residents if they wanted to support it. The DEP says that more than 75% of people are in favor of expanding the Bottle Bill.

Chairman Olivier stated that as a person who recycles all that he consumes and goes to the landfill and picks up trash on Pierce Avenue, he agrees with Ms. Grubb. It is bad behavior, since people do not have common sense and are creating a nuisance for everyone else, so then we have to legislate their behavior. He has a problem with the trash too, and if this will help clean up some of it, then he would support this since he would like the streets clean. Ms. Grubb stated that she thinks that it would help solve some of the problem, but not cure the problem. Selectman Maksy stated that he just cannot support it. We need to know what it will cost the individual consumer and what the State is going to do with the money.

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

VOTED: That the Board of Selectmen does not act on the Expanded Bottle Bill at this point, until there is additional information.
In favor, 2, Against 1

Discuss request from Roger Howlett to ask the State to conduct aerial spraying for mosquitoes

Chairman Olivier stated that Mr. Howlett is a Lakeville resident. Ms. Garbitt stated that Mr. Howlett emailed her a letter that he would like the Selectmen to read. The letter requested that the Lakeville Board of Selectmen join the Raynham Board of Selectmen to request aerial spraying. Chairman Olivier read the letter into the record. Selectman Maksy asked if the Raynham Board of Selectmen sent in a request for this? Chairman Olivier responded that he thought they did. Selectman Maksy stated that he did not see the letter in the packet. Chairman Olivier added that the State also stated that they have protocols in place for spraying.

Chairman Olivier asked if the Board would like to send a letter to the Governor expressing their concerns. Selectman Maksy responded that he would like to make a recommendation to the State to at least consider spraying for the benefit of the Lakeville residents. Ms. Garbitt stated that due to budget cuts to Plymouth County Mosquito Control, residents are unable to have their properties sprayed as they have in the past. Selectman Maksy stated that he would like to see what the protocol is with the Governor. He asked that Mr. Howlett's letter be attached to the support letter.

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

VOTED: To send a letter to the State in support of the Town of Raynham requesting that aerial spraying be conducted to help reduce the EEE carrying mosquitoes.
Unanimous in favor.

Revisit four day work week discussion

Selectman Belliveau stated that he and Ms. Garbitt visited the Town Departments, except the Assessor's Office. He found that all but two (2) Departments are behind. Regarding productivity, it is understood that the Town shifted to a four (4) day work week to save money; however, it seems that it is actually costing the Town money. Selectman Belliveau was hoping to find out how to get all Departments caught up with their work. The four (4) day work week causes less productivity, since you can only get so much out of a person each day. We can see that with all the different Departments. When asked, explanations were provided about why they were behind with their work. Some of the suggestions were different days and hours, the need for a new computer in the Treasurer's Office, the need for a telephone system for voice messages, the need for an IT person, etc. For some Departments it is from a cut back in hours. Selectman Belliveau's chief concern is that if a day is lost due to a holiday and/or snow day, the Town then gets further and further behind since that is then adding two (2) hours onto the non-productive work day, and that compounds it.

Selectman Maksy stated that the reason the Selectmen talked about the change in hours was due to the fact that they were trying to save money. To bring the electricity from being on five (5) days a week to four (4) days a week, that was a piece of it. Turning the thermostat down on Thursday to try and save money in heating oil; that is how bad it was. The Town is not in that position, such as it was before, but the Town is also not out of the woods. It was dollars and

cents before. Selectman Belliveau pointed out that the goal of changing from a five (5) day work week to a four (4) day work week was then lost on all the other things that were not factored in. Selectman Maksy stated that the employee has a job to get done, and if they cannot get the job done, then there is a problem with the employee.

Lengthy discussion ensued on the topic between the Board members on the positives and negatives, of why the work week was changed, energy/production gains/losses, sick time, etc. Laurie Catalano stated that Robert Poillucci, Chairman of the Board of Health, would like to have their office open on Fridays. Their concern is being available to contractors to make sure they have the necessary permits set for weekend work. The Board of Health does have a separate entrance to the building. It appears that the managers are falling behind with productivity since they do not have the necessary staff to help them. It is not the hours in the day. Mr. Iafrate stated that more and more items are being taken away each year from public employees. We feel that the four (4) day work week will also be taken away. It is nice having Fridays off. Selectman Maksy stated that he did not have a problem with a Department being open while another was not. Mr. Iafrate stated that the people will just get used to it as they do with everything else. Jean Cruise noted that employees make doctor appointments on Fridays. Production will go down if we have to take the time off during a regular day. Cynthia McRae said she wondered if the Board has considered what the residents would prefer. She would think being open until 5:00 PM is better than 4:00 PM. Ms. Garbitt stated that the Library was originally closed on Mondays and they switched to Fridays in order to have all departments on same page. If the work week changes and each Department have different hours, we need to get the hours posted on the building and the website. Chairman Olivier stated that residents will get used to it as they did with the four (4) day work week.

Selectman Belliveau stated that he would like a happy workforce for the Town. Selectman Maksy stated that the Town really needs clerical people that can move around from one position to another. It was noted that no one wanted to do the four (4) day work week originally, it was forced initially. Ms. Garbitt stated that the change was to be for a one (1) year trial basis. The Department heads were then polled later, along with the employees, and they all liked it. It took a little getting used to, but Department Heads and employees turned out to like it. Selectman Belliveau stated that he is looking for solutions. Ms. Craig stated that there used to be a 30 hour employee in the Selectmen's office. When that position was eliminated, her work went to Ms. Craig and she has not been provided any additional hours to get the work done. Janice Swanson stated that she was also put into the four (4) ten (10) hour day work week and did not want it. She has structured her day so that she could get as much out of it that she could. She did meet the goals, and now the work week is going to be changed on her again. That does not seem fair. Selectman Belliveau stated that originally he was thinking of two (2) eight (8) hour days, two (2) ten (10) hour days and four (4) hours on Fridays. Selectman Maksy suggested to allow the Board to continue thinking outside the box. The Board will not make a decision tonight. Everyone does want to find a solution; the matter will be put on the next meeting agenda for further discussion.

Review bids and vote to award contracts for #2 Heating Oil and Propane Gas

Chairman Olivier stated that the Town went out to bid for #2 heating oil and propane gas. The bids were reviewed.

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

VOTED: To approve the heating oil bid of Standish Oil with a delivery fee of \$.174 per gallon and the service rates will be \$75.00 for cleaning and maintenance and \$80.00 per hour for air conditioning work.
Unanimous in favor.

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

VOTED: To approve the propane gas bid of Roby's Propane with a price/gallon of \$2.06761 and a cleaning rate of \$59.50 per hour.
Unanimous in favor.

Review and vote on BETA Contract regarding Street Sign Assessment

Chairman Olivier noted that the Board needed to approve the BETA Contract regarding Street Sign Assessment.

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 contract submitted by BETA Engineering to provide engineering services to the Town consisting of completion of a roadway sign inventory and assessment, which will be combined with the Town's existing Pavement Management Plan developed by BETA Engineering. The contract has also been approved by MassDOT for Chapter 90 funding.
Unanimous in favor.

Revisit land donation offer from Carole Sterling (property located on Main Street)

Minor discussion took place on the land donation offer. Ms. Garbitt stated that the City of Taunton would be interested in the land. Selectman Maksy stated that if the Town did give the land to the City of Taunton, Lakeville would want to put some restrictions on it, since the City of Taunton does own an acre of land behind this parcel.

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

VOTED: To accept the land donation from Carole Sterling located on Main Street (Map 58-3-8), subject to Town Counsel approval.
Unanimous in favor.

Discuss Habitat Restoration Plan for Ted Williams Camp for submittal to Natural Heritage

Chairman Olivier stated what Natural Heritage is asking for is taking money away from the Park Department. He stated that he is not comfortable with the habitat restoration plan. Ms. Garbitt stated that it was thought that all the trees were flagged properly for removal. However, too many trees were cut down. Ms. Grubb stated that the Conservation Agent could have addressed this matter, if it had been sent to the Conservation Commission. She thought that the Conservation Commission could have helped out a lot during the process. Chairman Olivier stated that he will call the Park Department Chairman to talk to him about the matter. Ms. Garbitt stated that it could cost \$3,000 or more for the plantings that are being asked for from Natural Heritage. Natural Heritage has approved of the plan.

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

VOTED: To approve the Habitat Restoration Plan for the Ted Williams Camp, which will be submitted to Natural Heritage.
Unanimous in favor.

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

VOTED: To have Chairman Olivier meet with the Park Department Chairman to discuss accountability for the Earth Removal project.
Unanimous in favor.

Request from Lakeville Arts Council for Appointment of Susan Johnson as New Member

Chairman Olivier read the request from the Lakeville Arts Council for appointment of a new member.

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

VOTED: To approve the appointment of Susan Johnson to the Lakeville Arts Council for a term to expire July 31, 2014.
Unanimous in favor.

Request from United Nations Association of Greater Boston for proclamation for United Nations Day-October 24, 2011

Chairman Olivier read the proclamation request from the United Nations Association of Greater Boston to proclaim October 24, 2011 as United Nations Day.

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

VOTED: To approve the request that October 24, 2011 be recognized as United Nations Day and to waive the reading of the Proclamation as typed above.
Unanimous in favor.

Request for One Day All Alcohol Liquor License-Park Commission-September 17, 2011

Chairman Olivier read the request for a One Day All Alcohol Liquor License for the Park Commission on September 17, 2011 for a 50th birthday surprise party.

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

VOTED: To approve the request for a One Day All Alcohol Liquor License at the Ted Williams Camp on September 17, 2011 from 2:30 PM to 9:00 PM.
Unanimous in favor.

Request to use Town Office Building for a Car Wash-Apponequet Cheerleaders

Chairman Olivier read the request from the Apponequet Cheerleaders for a fundraising car wash on September 18, 2011 at the Town Office Building.

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

VOTED: To approve the use of the Town Office Building by the Apponequet Cheerleaders for the purpose of a fundraising car wash, using biodegradable soap, on September 18, 2011 from 9:00 AM to 3:00 PM.
Unanimous in favor.

Review and vote to accept Selectmen's Meeting Minutes of April 28, 2011

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

VOTED: To approve the Selectmen's Meeting Minutes of April 28, 2011 as presented.
Unanimous in favor.

New Business

Ms. Garbitt noted that the borrowing in the amount of \$500,000 that was approved at the Town Meeting on June 13, 2011 has been approved by Bond Counsel and has gone out to bid.

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

VOTED: To approve and sign the Bond Anticipation Note (BAN) in the amount of \$500,000 for the Ted Williams Camp Renovation to be issued on September 22, 2011 and due September 20, 2012 payable to Eastern Bank with an interest rate of .85%.
Unanimous in favor.

Old Business

Ms. Garbitt stated that Donald Foster asked John Olivieri about serving on the Energy Advisory Committee for the School Committee. However, shouldn't that go before the Regional Transitional School Committee to see if that is what they want? It was the consensus of the Board to have the matter presented to the Regional Transitional School Committee.

Ms. Garbitt updated the Board on the EPA penalty. Town Counsel has been in communication with the EPA and is trying to get the amount of the penalty reduced.

Other Items

1. Thank you letter from Tuesday Club of Assonet
2. Letter from Local Election Districts Review Commission
3. Letter from Building Commissioner regarding properties located at 340 and 344 Bedford Street
Chairman Olivier asked that the matter be put on the next agenda for the Board to discuss.
4. Minutes of August 17, 2011 from Water Advisory Committee
5. Letter from Town Counsel regarding Quota for Off-Premises Alcoholic Beverages Licenses
6. Letter from FEMA regarding Flood Insurance Rate Maps for Town of Lakeville
7. Letter from Department of Public Health regarding role of Boards of Health
8. Letter from Plymouth County District Attorney regarding closing of Wareham and Hingham District Courts
9. Letter from Plymouth County Registrar of Deeds regarding Registry Update
10. Department of Revenue Bulletin regarding Hurricane Damage
11. SEED Annual Meeting Notice-December 1, 2011
12. MMA's Regional Meeting for Plymouth County Selectmen
13. MMA's Fall 2011 Legislative Breakfast Meeting Schedule
14. Mass Wildlife Newsletter
15. Comcast Connections Second Quarter 2011
16. Notice of Programming Change-Verizon
17. Woodard & Curran Directions Newsletter
18. DEP Notice of Noncompliance-102 Charles Eldridge Drive-Dennison Lubricants
19. Department of Revenue Bulletin-Sewer Rate Relief Fund-FY12
20. Letter from MassHousing regarding Bridge Street Crossing
21. Bi-monthly Sanitary Landfill & Transfer Station Inspection Report-August 24, 2011
22. Letter from MEMA regarding Statewide Public Safety Mutual Aid Law
23. Thank you letter from Daughters of the Revolution
24. Notice of Program Change-Verizon
25. Letter from SRPEDD regarding 911 Regional Dispatch

At 11:50 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter into Executive Session to discuss strategy with respect to the collective bargaining agreements with the Police and Fire Unions and a request for recognition of a union for other Town employees, and to consider the purchase, exchange, lease or value of real estate because an open meeting may have a detrimental effect on the bargaining position of the Board and not return to Open Session.

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