

**SELECTMEN'S MEETING**  
**Monday, September 14, 2009**

On September 14, 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 7:03 PM. Selectmen present were: Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

**7:00 PM Meet with Board of Health regarding vacancy on Board of Health and to discuss the Visiting Nurse Association letter with Board of Health**

*Present from the Board of Health was William Garvey and Terrence Flynn.* The Board of Health called their meeting to order at 7:00 PM. Chairman Maksy said that the Selectmen were meeting with the Board of Health to fill the vacancy caused by Jennifer Turcotte's resignation. Chairman Maksy said the Selectmen had received four (4) letters of interest for the vacancy. All four (4) interested parties were present: Jamie Bissonette, Peter Panettieri, Robert Poillucci and Joe Beneski. Mr. Garvey said that he and Mr. Flynn had reviewed the letters of interest. Chairman Maksy asked each candidate to speak briefly.

Jamie Bissonette took the floor to give a brief description of his experience and his interest in the position. He is a local civil and environmental engineer and works often with the Board of Health in Lakeville and surrounding towns. He felt he would be qualified to fill the position based on his education and work experience. Chairman Maksy asked if he was available to attend meetings. Mr. Bissonette responded that it would not be a problem starting in October. Selectman Yeatts asked if he thought he would have to recuse himself frequently. Mr. Bissonette said there may be only five (5) to seven (7) instances a year that he would need to recuse himself. Selectman Yeatts said she believed that if someone else is presenting for the company that he works for, that would be a conflict. Mr. Bissonette responded that he would recuse himself from any discussions involving the company he works for.

Peter Panettieri stated that he served on the Board of Health previously and was instrumental in creating the Board of Health for the Town. The job is not just a meeting every two (2) weeks. It is an everyday job and he is available during the day. Chairman Maksy asked him if he saw any conflicts. Mr. Panettieri stated that he is retired, so he did not see any.

Bob Poillucci stated that he has been a resident of Lakeville since 1990. He is a local contractor and understands engineering. He felt his experience could be helpful with the new apartments being constructed. There are other aspects besides engineering that go into play with this job. He ran a 575 unit apartment complex previously and is used to unit inspections. Chairman Maksy asked him about his availability during the day. Mr. Poillucci responded that he drives by the Town Office about eight (8) times a day and is usually available during the day. Selectman Yeatts asked about him having to recuse himself due to his work in Town. Mr. Poillucci responded that he does not do a lot of work in Town. While things are slow, there are classes and seminars he would take to get familiar with Board of Health matters.

Joe Beneski said that he was on the Board of Health for seven (7) years, as part of the original Board. He was the Assistant Health Inspector and Restaurant Inspector for the Town. He presently teaches classes at Mass Maritime so his days are booked, but he has vacation time. He has no conflict of interest since he does not do business in town. He worked at Polaroid, was the design engineer, and has a manager background and the necessary licenses. Being on the Board of Health is more than just septic systems. Ms. Garbitt stated that with the H1N1 virus, the Board of Health will be pretty busy with the upcoming flu season.

Chairman Maksy stated that this appointment will be until the next election. At that time, anyone that is interested could also run for the position. Selectman Evirs explained that this appointment is only until the next election. He asked the Board of Health if they had selected a candidate. Mr. Garvey said that Mr. Bissonnette's credentials are great, but there is an engineer on the Board already. The Board is looking for availability. Mr. Garvey stated that he is in the office quite a bit. The Board of Health is an everyday business. Mr. Garvey said the Board had narrowed it down to Mr. Panettieri and Mr. Beneski. However, Mr. Panettieri is available during the day more than Mr. Beneski, so Mr. Panettieri would be their first choice with Mr. Beneski as their second choice. Mr. Panettieri knows the workings of the Board, and Mr. Garvey has worked with him before on the Board. The Board is supposed to inspect all rental properties once a year by law and having another Board member available during the day would be helpful.

Chairman Maksy stated that he liked Mr. Bissonnette's engineering experience. Mr. Panettieri and Mr. Beneski have prior experience on the Board, and Mr. Poillucci has a rounded experience in construction and septic systems. Selectman Yeatts stated that she would like Mr. Beneski back on the Board, but if his part-time position in the Board of Health office was reinstated, he would not be able to take it. Mr. Beneski stated that he will pull his name out of the pool for consideration since there were so many qualified candidates that applied.

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

VOTED: To appoint Peter Panettieri to fill the vacancy on the Board of Health with a term to expire April 5, 2010.  
Unanimous in favor.

Upon a motion made by Mr. Garvey; seconded by Mr. Flynn it was:

VOTED: To appoint Peter Panettieri to fill the position vacated by Jennifer Turcotte with a term to expire April 5, 2010.  
Unanimous in favor.

Mr. Garvey stated that the Board has been calling various agencies and Towns to inquire about replacing the services that the Visiting Nurse Association (VNA) provided. They will request quotes from two (2) agencies and the Town of Middleborough (using their nurses). Discussion occurred regarding the services that the Visiting Nurse Association provided. Ms. Garbitt stated that there are six (6) communities that are looking into regionalizing Board of Health services, including nurses and inspection services. She will share that information with the Board of Health. Ms. Garbitt said the VNA contract is in effect until November, but the

Town has to have something in place before then. Ms. Garbitt noted that the VNA will still hold the flu shot clinics.

Mr. Garvey told the Selectmen that David Goodfellow has notified the Board of Health that he cannot be the Board's agent any longer. Selectman Yeatts stated that the Board of Health members and office personnel must be up to date on their NIMS training. Part One and Two can be done on line and David Goodfellow can teach Part Three. Parts One and Two can be taken online. Everyone in the building needs to take Part One and Two. Mr. Beneski added that Part Three can be taken online as well. Selectman Yeatts asked that everyone verify what they have taken, and she will let them know if they need any additional parts.

Upon a motion made by Mr. Garvey; seconded by Mr. Flynn it was:

VOTED: To adjourn the Board of Health meeting at 7:40 PM.  
Unanimous in favor.

#### **7:15 PM Meet with BETA Group regarding update on the Highway Barn gasoline recovery**

*Alan Hanscom from BETA Group, Kenneth Motta from Field Engineering and Christopher Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck stated that the Town hired BETA Group to perform further testing on the existing wells on the site. They are going to provide options on how to go proceed. Mr. Hanscom stated that the highway garage had a leak from an underground gasoline storage tank. The gasoline dispersed in a long plume. However, there are questions regarding whether the contamination was from one leak. The depth of the contamination is not typical. However, BETA has accepted the cigar shape of this plume since it is in the best interest of the Town. One train of thought would be to oxidize the contamination, but that would cost over \$1 million. The easiest thing for the Town to do would be to reclassify the groundwater in this area. Mr. Hanscom discussed how to go about reclassifying it. The Town will need to document where the private wells are and verify exactly where the contamination is in relationship to the private wells. The company will establish the limits of the plume and will sample it with new wells. They have to document the presence of any non portable wells that were abandoned when the properties were connected to Taunton water. The Board of Health should have that information. BETA will be using GPS for the wells and will provide that data to the DEP and the Board of Health.

Mr. Peck stated that in the past, this work has been paid out of Chapter 90 monies. He has submitted this again to MassHighway. Chairman Maksy asked if this would have any effect on the booster pumping station down the road. Mr. Peck said it would not. Mr. Hanscom stated that extending the Taunton water line helps this matter. The plume will also continue to degrade over time since the problem was caught and there are no more leaky tanks. BETA drilled into the floor of the Highway Barn and did not find contamination. They believe that it has filtered out and that is good news. Selectman Yeatts noticed a \$1,000 addition error on the draft of the agreement. The agreement will be reviewed by Town Counsel and then be placed back on the next agenda for the Board.

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

VOTED: To send the agreement with BETA Group to Town Counsel for review.  
Unanimous in favor.

Mr. Peck stated that the Highway Department is working on the reconstruction of Mullein Hill Drive. They are planning to remove the existing curbing which sits on top of the pavement. Then an overlay will be done on the road. Monolithic berms will be installed to allow the plows to go over them, rather than picking them up and having to redo them in the spring. Catch basins will be repaired. The sidewalks are deplorable there, and it is unclear whether Chapter 90 monies can be used to repair sidewalks. Mr. Motta responded that he thought they could be. Mr. Peck stated that if Chapter 90 monies can be used, he will fix the sidewalks next spring. Ms. Garbitt noted that the Town has had complaints from residents of that neighborhood about not being able to use those sidewalks. Mr. Peck stated that he has prepared a memo for the neighborhood residents explaining the work. It will be hand delivered to the neighborhood tomorrow.

**7:45 PM Meet with Kenneth Motta of Field Engineering regarding the water line extension revised construction costs**

*Kenneth Motta of Field Engineering was present for the discussion.* Mr. Motta stated the Town has been working with Camp, Dresser & McKee (CDM) regarding the Taunton water line extension to the Town Office Building. This will be part of the State Revolving Fund (SRF) application. The target date to get this done is the 21<sup>st</sup> of the month since it is going out to bid on the 23<sup>rd</sup>. Some fine tuning may be needed subject to the borings that were just finished today. Mr. Motta then gave further information on how the bid would be set up. There is the base bid work tying into the 12" line into the 8" line. The well will be disconnected and the new line tied into that. There are two (2) additive alternates. There is the base bid and then any alternates that the Town would like to add in. The first additive alternate is the existing 8" line which will suffice right now, but it is somewhat of a bottleneck. There is a 16" line to an 8" line to a 12" line, so it would be better to do a new 12" line from the 16" and leave the 8" line for the parsonage house. The second alternate involves extending the line all the way from the property line here to the plaza next door. The plans were looked at if the renovations of the Fire Department will take place, so they would leave an 8" tap for the future connection to the buildings. Field Engineering will be providing the taps only, but not providing the service beyond that point. That would be the responsibility of the property owners. The bid opening is October 20<sup>th</sup>. The contract will be awarded November 1<sup>st</sup> and work could start within a week of the contract bid.

Discussion took place on whether the water would need to be shut off to Assawompset School while the work is being done. Mr. Motta stated that he can put that as a special provision in the specifications, that if they change the 8" line to a 12" line that a tap be put in. The 16" line is live when the wet tap is running into it. It should not affect the school. They will leave the 8" and then have two (2) lines running across the street. Chairman Maksy asked if there will be any tree work needed. Mr. Motta responded no, the work is being done on a State road. Selectman Yeatts asked if the Board needed to decide right now about the alternatives. Mr. Motta responded that the Board does not, since they do not know what the numbers are going to come

in at. The Board does not want to lock itself into a price since that would be the new base bid. The MassHighway permit is pending; that was submitted August 20<sup>th</sup>. A traffic management plan has been requested, so that is being worked on. Ms. Garbitt asked if that is what MassHighway was waiting for. Mr. Motta responded yes. They requested a Traffic Management Plan since a portion of the work where the culvert crossing is will most likely end up replacing some of the sidewalk. Ms. Garbitt asked if that information was sent to Ben Levesque at CDM. Mr. Motta responded that it had not been, but he would forward it.

Selectman Evirs asked if Mr. Motta could update the Board regarding Route 79 since the bids are in. Mr. Motta said that the plans are 100% complete and he is in the process of reviewing the bids. P.A. Landers was the low bidder at \$1.98 million. He anticipates that in 45 days they will issue a notice to award the contract bid. The bid came in substantially lower than the estimated \$2.8 million. Selectman Evirs asked if they could possibly begin by November. Mr. Motta responded possibly.

### **Review Determination and Consent for Town Counsel Joint Representation – Towns of Lakeville & Freetown**

Ms. Garbitt stated that the Region has a Health and Welfare Trust Fund that both Freetown and Lakeville pay into, which pays benefits to the Teachers. She has asked Town Counsel to review the Health and Welfare Trust Agreement since the checks have always been made out to the Health and Welfare Trust. Now they are asking for them to be made out to the Region. Both Towns would have to agree to this. The checks will continue to go into the Health and Welfare Trust, until Town Counsel has determined that they can be made out directly to the Region.

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

VOTED: To sign the Consent for Joint Counsel Representation for Freetown and Lakeville.  
Unanimous in favor.

### **Request for appointment of SRPEDD Commissioner – Planning Board representative**

Chairman Maksy said the Board had received a memo from the Planning Board regarding appointing James Marot as the Planning Board's SRPEDD Commissioner.

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

VOTED: To appoint James Marot as the Planning Board SRPEDD Commissioner with a term to expire May 31, 2010.  
Unanimous in favor.

### **Receive and vote to accept resignation of Thomas Mason from Conservation Commission**

Selectman Yeatts read the resignation of Thomas Mason from the Conservation Commission into the record.

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

VOTED: To accept the resignation of Thomas Mason from the Conservation Commission, effective September 3, 2009 and to send him a letter of thanks.  
Unanimous in favor.

Selectman Yeatts stated that Emery Orrall would like to keep the Conservation Commission as a five (5) member board. They can have an alternate member if they would like. Chairman Maksy suggested sending a memo to the Conservation Commission asking if they would like an alternate member to be appointed.

### **Request for curb cut – 17 Brookstone Drive**

*Christopher Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck stated that he did not see any serious issues with the curb cut application. He would like to make sure that they call DigSafe before any work begins. They have the stone tracking pad and meet the grade to prevent drainage runoff. Right now, this is an empty wooded lot. It is only cleared in the area where they will have test pits done for the septic. The south side of the driveway will need to be cleared back a little since there are a lot of scrub pines in there. Otherwise, there are no issues with sight lines. They were also asked not to disturb the existing berm. Chairman Maksy stated that the Board did not have a recommendation from the Planning Board. They will be discussing this at their meeting tomorrow night. He would like to make the Board's approval, subject to Planning Board approval.

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

VOTED: To approve the Curb Cut Permit for 17 Brookstone Drive pending approval by the Planning Board; being in compliance with the Order of Conditions from the Conservation Commission; and in compliance with any recommendations from the Superintendent of Streets.  
Unanimous in favor.

Mr. Peck then spoke about the application for a curb cut for 7 Harrison Avenue. The way the driveway is sloped, water will go right down to Harrison Avenue. For that reason, he believed a gravel driveway would be preferable to asphalt. The Planning Board is requesting that they pave the driveway to the top of the hill and then install sloping. Chairman Maksy read the letter from the Planning Board dated September 2, 2009. Mr. Peck stated that the asphalt will work if they install some type of drainage at the bottom of the driveway. The applicant needs to prevent runoff from entering Harrison Avenue. Selectman Yeatts stated the applicant needs to do their due diligence. It is not up to the Board to give them advice; they should hire a professional for advice. Chairman Maksy stated that he disagreed since this is a recommendation from the Planning Board. Harrison Avenue is an existing Town way. Chairman Maksy suggested making the Board's approval conditional upon the Superintendent of Streets and the Planning Board meeting again to revisit this. Mr. Peck stated that the Town does not want to design this for them. Selectman Evirs agreed. The Town has a Stormwater Management Bylaw and they have

to comply with it. Chairman Maksy stated that he did not think that just straight asphalt is going to be enough.

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

VOTED: To uphold the Planning Board's denial for the Curb Cut Permit for 7 Harrison Avenue and request that they conform to the Stormwater Management Bylaw. The applicant is to meet again with the Planning Board and Mr. Peck to discuss the curb cut.  
Unanimous in favor.

#### **Request for Proclamation-Silver Star Banner Day**

Chairman Maksy said that the Board had received a request to proclaim May 1<sup>st</sup> of each year as Silver Star Banner Day. The Board has a choice of doing this annually or issuing a permanent proclamation. Selectman Evirs read the proclamation into the record.

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

VOTED: To proclaim May 1<sup>st</sup> as Silver Star Banner Day permanently for the Town of Lakeville and to forward this to the Historical Society.  
Unanimous in favor.

#### **Request for Proclamation – United Nations Day**

Chairman Maksy said the Board had received the annual request from the United Nations to proclaim October 24, 2009 as United Nations Day.

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

VOTED: To waive the reading of the Proclamation and proclaim October 24, 2009 as United Nations Day in Lakeville.  
Unanimous in favor.

#### **Request for Proclamation – Daughters of the American Revolution**

Selectman Yeatts read the Proclamation into the record. She noted that she is a direct descendent of the Daughters of the American Revolution.

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

VOTED: To proclaim September 17-September 23, 2009 as Constitution Week in Lakeville and to participate in the ringing of the bells at 4:00 PM on September 17, 2009.  
Unanimous in favor.

### **Request for appointment of National Incident Management System Coordinator**

Chairman Maksy read the memo from Daniel Hopkins, Fire Chief, stating that the Board needed to appoint a National Incident Management System Coordinator. Chief Hopkins indicated that he would be willing to be appointed since he is the Emergency Management Director.

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

VOTED: To appoint Daniel Hopkins as National Incident Management System Coordinator for a term to expire December 31, 2010.  
Unanimous in favor.

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

Chairman Maksy said that the Board has received a request from the Apponequet Warriors Swim Team to use the Town Office Building for a car wash. Ms. Garbitt stated that she has not received the use policy back from Town Counsel.

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

VOTED: To approve the request of the Apponequet Warriors Swim team to hold a car wash on September 26, 2009. They must use biodegradable soaps. This approval is subject to any use policies that may be in effect by then.  
Unanimous in favor.

### **Request from Lakeville School Committee to hold a Special Town Meeting**

Selectman Yeatts read the letter into the record. Chairman Maksy stated that he was present at the Lakeville School Committee meeting and was kind of put on the spot regarding the Board scheduling a Special Town Meeting. He told the School Committee that the Town would most likely be having a Special Town Meeting. David McQueeney, Chairman of the Lakeville School Committee, told him that they were not going after the Water Stabilization money, even though that is not in this letter. Chairman Maksy took a tour at Assawompset to see the classroom conditions and he did see 29-32 kids in a classroom. The teachers are doing a great job and do have the students under control. Chairman Maksy noted that there was an incident this week with some of the students in a class and he was concerned about Special Education costs coming back to "bite us" down the road. Selectman Yeatts stated that she would like to know what classes were having trouble. Ms. Garbitt stated that Laurie Hunter, Principal at Assawompset, said it is too soon to know. Kindergarten and First Grade have been kept with a low number of students.

Chairman Maksy stated that the Town desperately needs a Police Officer and needs to worry about public safety. Maybe we could allow funding for one (1) teacher, but he did not foresee three (3) teachers being able to be restored. There will be a meeting on Wednesday and Chairman Maksy will be attending. He posted the meeting in the event that other Board



members wanted to attend. The meeting is regarding the Region giving back some money, but the concern is if any of the money will go to the Local School level. Selectman Evirs stated that his position will not change from the previous discussion when Mr. McQueeney and the Superintendent of Schools were present. The voters decided that everyone will have to tighten their belts and make it by the year. He stated that he would not be for scheduling a Special Town Meeting just for this purpose. We need one for housekeeping items, not necessarily for this matter. The Town laid off almost 1/3 of the police department and they lost five (5) classrooms teachers. The whole Town has to be thought of. Selectman Yeatts stated that she thought if the Town gave them money for a teacher, the Town would also get a Police Officer as well. Selectman Evirs stated that the Town might also be getting a mid year cut from the State and might need the Special Town Meeting for expected budget cuts. If you commit to a teacher, you are committed until next September. Further discussion took place on the pros and cons.

Chairman Maksy stated that no one can predict Town Meeting, and it is understood that there is a trust issue with the Region and the money flow. Ms. Garbitt stated that the School Committee specifically asked for a date for Special Town Meeting, but we cannot set the date as of yet. She stated that she needs the signed contracts for the Teachers. Selectman Yeatts read a letter that she has prepared to be sent to the Region. Chairman Maksy made some suggestions on the letter. Selectman Yeatts stated that she would take out the second paragraph and see what the Region is going to do. Chairman Maksy stated to the press that they are asking the Region for \$150,000. Selectman Evirs stated that if the Region reduces the Town's assessment, then he would be in favor of the money going to fund the salary and all benefits of a teacher for one (1) year. He asked if the Board had received an answer regarding if the Region can assign teachers to different schools. Selectman Evirs asked why something like that cannot happen. They would lower the assessment to the Town and then charge the Town on the other end. It all washes out and it is still their expense. The employee would be a Regional employee. Selectman Yeatts stated that it is worth finding out. Ms. Garbitt stated that there is probably a way to do it, but how the accounting is done is unclear. Selectman Evirs stated that it is a balancing act. You have so much money for education, but it is at one level and not the other.

Chairman Maksy stated that he liked Selectman Yeatts letter, with the second paragraph removed. The Board could discuss it Wednesday night at the Regional School Committee meeting. Selectman Yeatts will modify the letter and send it to the Regional School Committee. It will be emailed to the School Committee tomorrow.

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

VOTED: To send the letter to the Regional School Committee that was written by Selectman Yeatts with the modifications discussed and with Paragraph Two removed.  
Unanimous in favor.

**Review and vote to approve Selectmen's Meeting Minutes: February 9, 2009; February 23, 2009; March 23, 2009; March 26, 2009; March 30, 2009; April 13, 2009; April 16, 2009; April 27, 2009; May 21, 2009 and July 15, 2009**

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

VOTED: To waive the reading of and approve the Selectmen's Meeting Minutes of February 9, 2009; February 23, 2009; March 23, 2009; March 26, 2009; March 30, 2009; and April 13, 2009 as presented.  
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 approve the Selectmen's Meeting Minutes of April 16, 2009 as presented.  
Two in favor with Selectman Evirs abstaining.

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

VOTED: To approve the Selectmen's Meeting Minutes of April 27, 2009 as presented.  
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 approve the Selectmen's Meeting Minutes of May 21, 2009 as presented.  
Two in favor with Selectman Evirs abstaining.

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

VOTED: To approve the Selectmen's Meeting Minutes of July 15, 2009 as presented.  
Two in favor with Selectman Yeatts abstaining.

**Review and accept Executive Session Meeting Minutes: April 16, 2009 and August 31, 2009**

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

VOTED: To approve the Executive Session Meeting Minutes of April 16, 2009 as presented.  
Two in favor with Selectman Evirs abstaining.

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

VOTED: To approve the Executive Session Meeting Minutes of August 31, 2009 as presented.  
Unanimous in favor.

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

Selectman Evirs stated that he will bring in the 48 star flag that he purchased to go on the Staples Shore Road flagpole that was relocated to the Town House to show the Board. He commented on the flags at the Town Office Building. It seems that they get worn out very quickly. Ms. Garbitt stated that she had talked to Chief Hopkins about bringing the flag in at night. It was noted that since the country is at war, you can fly a flag at night without a light on it.

**Other Items**

1. Letter from Field Engineering regarding Relocation of Route 79
2. Award notice-Green Communities Planning Assistance  
Chairman Maksy noted that the paperwork was in on time and it is moving along.
3. Middleborough Gas and Electric Commission Agenda-September 8, 2009
4. MassHighway Bridge Inspection Report – Malbone Street
5. Memo from Town Counsel regarding Amendments to Conflict of Interest Law  
Selectman Evirs spoke about the summary that must be supplied and signed every year.  
Ms. Garbitt said the new Conflict of Interest Law requires online training. Ms. Garbitt stated that this training must be taken every two (2) years. This takes effect after September 29, 2009. The question was raised if the Town Clerk could be the liaison for the Town. Chairman Maksy requested that this item be revisited at an October meeting.
6. Letter from Plymouth County Registrar  
Selectman Evirs asked Selectman Yeatts about the letter. Selectman Yeatts stated that she has attended all the Executive Board meetings. Selectman Evirs stated that he did not want this to fall through the cracks, that is why he brought it up.
7. Plymouth County Cooperative Extension Calendar – September/October
8. Notice from South Coast Rail regarding 2009 Assistance Guidelines and Application  
Selectman Yeatts stated that they are offering the Town money. What appealed to her was that under the Transit Oriented Development (TOD), there would be a market feasibility study for the Lakeville Hospital property. She felt that the demographics of the Town have changed over the years, especially with the construction of Kensington Court. The money is funneled through SRPEDD for this, it is grant monies. Ms. Garbitt stated that they will let the Town use the grant money to update the Housing Production Plan. Ms. Garbitt would like to apply for the grant money for that. Selectman Yeatts said that getting National Development going is the biggest problem. New demographics might help accomplish that. Ms. Garbitt said that she would contact Greg Guimond from SRPEDD to see if the grant monies could be used for a demographic study.
9. Taunton River Watershed Conservation & Nature Series Fall 2009
10. Cranberry Country Perspective September 2009

11. Notice of 27<sup>th</sup> SEED Annual Meeting-November 19, 2009
12. Department of Public Health H1N1 Response
13. Information from MMPA regarding Preparing for H1N1
14. Department of Revenue Bulletin – Sewer Rate Relief Fund – FY10
15. Department of Revenue DLS Notice
16. Department of Revenue IGR – Guidelines for Annual Assessment and Allocation of Tax Levy
17. Department of Revenue IGR – Determining Annual Levy Limit Increase for Tax Base Growth
18. Department of Revenue DLS– Training Program for Assessors
19. MassWildlife News
20. Mass Audubon’s Free Workshop Series
21. Comcast Channel Line-up Changes
22. Invitation from Mass Recycle to attend Mercury Disposal and Management Trainings  
Selectman Yeatts stated that the training is free and either Mr. Bates or Mr. Peck or both should go since it is right at DEP. Ms. Garbitt forwarded this to both of them and Mr. Bates has been going to the Mercury trainings. She will follow up on this.
23. Letter from CEA regarding 79 Main Street
24. Project Notification Form-Massachusetts Historical Commission
25. JTPG Meeting Notice – September 23, 2009

At 9:50 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs, the Board:

VOTED: To enter into Executive Session and not to return to Open Session to discuss pending litigation.  
Selectman Yeatts – aye, Selectman Maksy – aye and Selectman Evirs – aye.