

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
September 27, 2010 – 7:00 PM

On September 27, 2010, the Board of Selectmen held a meeting at 7:00 PM at the Lakeville Public Library. The meeting was called to order by Chairman Yeatts at 7:06 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary.

Chairman Yeatts asked if there was anyone recording the meeting. James Cosgrove from Comcast was taping the meeting for local broadcast. Cindy Dow of the Middleborough Gazette was also taping.

7:00 PM Meet with Joanne Upham-announce Arts Festival 2010

Joanne Upham was present for the discussion. Ms. Upham stated that the 6th Annual Lakeville Arts Festival would take place from 10:00 AM to 4:00 PM on October 2nd. There will be lots going on in the Library for the children, such as 4-H exhibits and the YMCA will be having activities. The Lakeville Library Spinners & Knitters will be there, and the Tom Thumb Exhibit from the Middleborough Historical Commission. There will be over 50 crafters and 20 non-profit groups to sell items or share information about their organization. The "Corvairs" from Brockton will be playing music, along with the "Wicked Blue Women's Music Group" and also a stage group for children. The Post Office will be on hand if anyone would like to apply for their passport, people can register to vote, and street artists will be present all day. There will be an Art Exhibit inside the church, game shows to go with their trivia game, Henna Tattoos and face painting, etc. The money earned is used for future festivals or in another cultural way. This year the group would like to donate money to allow students to attend a Boston Symphony Orchestra concert.

7:05 PM Meet with Superintendent of Streets Chris Peck to discuss Surrey Drive drainage issue, MOU Emergency Traffic Control Trailer, Mr. Quelle's fence at #7 Main Street, and Road Salt bids

Chris Peck, Superintendent of Streets, and Robert Mahoney, homeowner, was present for the discussion. Mr. Peck began with the Surrey Drive drainage issues. Throughout the summer he had been monitoring the situation there. Selectman Olivier also looked at the area this summer regarding 19 Surrey Drive owned by Bob Mahoney. Mr. Mahoney had severe flooding occur around his home during the March 2010 rains/floods. Mr. Peck had taken grades on the property at that area. He found a 4' - 5' elevation difference. One of the options is to drain Mr. Mahoney's backyard into a closed drainage system. That is not the best option, but it is a good option. Mr. Peck came across the Talbots report that was done regarding the drainage several years ago. Talbot's paid for the report to be done and had hired the engineers to look at the matter. It was deemed that the additional water problems were not the fault of Talbot's. Mr. Peck said that area is known for flooding. Talbot's engineer believed that the properties on Charles Eldridge Drive in that area contributed to the reason the area floods. An option would be to allow Mr. Mahoney to connect to the drainage system in Surrey Drive and have him pay for remedying his situation. The cost would be about \$13,000-\$14,000. The drainage installation

would be approximately 15' deep. A catch basin would need to be installed to accommodate the additional flow. Mr. Mahoney's property is at the low point in that area. The project is not Chapter 90 eligible. The Highway Budget does not have the funds available to remedy this matter.

Mr. Mahoney stated that he appreciated all that the Town was doing. He has channeled the water into the street drainage in the past, and the drain took it in as fast as it came. However, the Town has let these businesses drain their water through large pipes into his backyard. This has only happened three (3) times in the past 19 years, but it is an unbelievable amount of water when it happens. Mr. Mahoney believes that the Town should pay for it or at least meet him halfway with the cost. It should be illegal to drain your water onto someone else's property. Selectman Maksy stated that if the water used to flow there before the house was there, then it wants to continue to flow through that area. It needs to be determined where the water used to go. Mr. Mahoney explained that he has lived there for 23 years. When you have all these buildings put in, there must have been research, then permits issued. You would think they would have drained it away from someone's property. Why allow excess water to drain across his property? Selectman Maksy stated that someone would have to look at all the drainage that was constructed. Do we as a Town want to start solving drainage problems in everyone's backyard? Mr. Mahoney stated that the Town let these businesses drain the water into his backyard why would that have been allowed. Mr. Peck stated that there is a large wetland behind Mr. Mahoney's property. The Lakeville Development Corporation (LDC) approved all the properties that were built there years ago. Typical engineering is to attach drainage to wetlands, but you have to control the flow. Talbot's report says they did it the way they were supposed to. It is not known about Charles Eldridge Drive or Kenneth Welch Drive, but they are a lot smaller drainage systems.

Chairman Yeatts suggested that the operation and maintenance paperwork be pulled. Maybe there is a clog or something. She did not know how far back peer reviews were required, but we do that now. Water cannot be discharged onto someone else's property. Mr. Peck stated that he tried to contact Talbot's about that paperwork back in April, but he received no reply. Chairman Yeatts suggested looking at their drainage plan and request the engineering work that was done from them. Mr. Peck stated that their report only says that their outlet structures are operating correctly. Chairman Yeatts stated that she would like to look at the plan with the LDC and maybe send a combined letter from the Board of Selectmen and the LDC requesting the paperwork would help to get a response from Talbots. Selectman Olivier stated that when he visited the property, you can tell it is a drainage area, but you can also tell that it has not been kept up. Trees are growing and the area is grown in, etc. Mr. Mahoney stated that that area fills up, and then it backs up into Rousseau's RV Center. There is a berm that goes behind about five (5) properties, and then the water goes into Rousseau's overflow, whips around the berm and then spills into the yards. Mr. Peck added that it was designed to go to the vegetated wetlands. Was it ever cleared out? Chairman Yeatts stated that even that long ago there should have been an operation and maintenance plan. Let us find that out before we assign who will fix the problem.

James Marot, Chairman of the Planning Board, stated that he was working as the Storm Water Coordinator for the Town a few years ago. Talbots was thinking of adding a huge

addition off the side of the property. They were concerned about the drainage on Surrey Drive and any impact this might have. Mr. Marot walked it, and it seems it is an exacerbation of the development on Charles Eldridge Drive. They were willing at the time, if doing a development, to add drainage to handle the whole site. It is connected into the Rousseau water problem that they had for years. This is not an easy fix. It is a low property, but probably something could be done. Mr. Marot will talk to Mr. Peck about looking into this further. Chairman Yeatts suggested to maybe speak to the LDC as well. They sold the lots in the Industrial Park. The matter can be put back on for the October 4th Selectmen's agenda.

Mr. Peck then updated the Board regarding the Memorandum of Understanding for the Emergency Traffic Control Trailer. Lakeville was selected to be the Plymouth County Host Community for an Emergency Traffic Control Trailer being offered by the Southeast Regional Homeland Security Advisory Council. The Memorandum of Understanding now needs to be signed by the Board of Selectmen.

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

VOTED: To authorize the Chairman to sign the Memorandum of Understanding for the Emergency Traffic Control Trailer.
Unanimous in favor.

Mr. Peck then spoke about the Quelle Property at 7 Main Street. Mr. Quelle's son called asking for a chain link fence to be installed along his property line which abuts the Route 79 Relocation project currently under construction by MassDOT. It would be about 341 feet and the cost would be about \$7,500. As part of the redesign of that area, there will be a fence installed on the concrete wall. Mr. Peck suggested extending the fence to Mr. Quelle's barn since he has a slope from the barn coming down to the side, and then no one could gain access or fall. The fence would then be on top of the wall and to Mr. Quelle's barn. This is only about 51 feet, instead of the 341 feet. It will cover the safety issue there, and the fence will keep trash from blowing into Mr. Quelle's yard. Mr. Quelle had the opportunity to attend meetings about this matter and to request fencing about two (2) years ago. There have been quite a few design changes with the properties there, and some changes were not included in the beginning. The State only allows for a 10% overrun on a project before they approach municipalities to pay. This was not part of the original design. Selectman Olivier asked if the Town could wait until MassDOT is closer to the end of the project. That way the 10% factor could be taken into consideration, and the threshold of the cost would be more easily known. Mr. Peck replied that the Town could wait, but this really needs to get on MassDOT's project list. The additional fencing would be \$440 dollars instead of \$7,500. Selectman Olivier stated that he did not think that the Town should go over the 10% threshold and if there is any money left over, then it could go toward what Mr. Peck is recommending. Chairman Yeatts suggested that the Board say no more than 75 feet, since the fencing might need to be a little more or a little less. Mr. Peck explained that this is going right to the barn. MassDOT will have to approve the change order, and it has to be a safety matter.

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

VOTED: To recommend that a chain link fence be put up on top of the redesigned wall to the extent of the west end of the barn and 10 feet past the east end of the barn allowing the chain link fence to cover the new access driveway, which slopes down to the cellar elevation of the barn, as well as the west end of the barn. The additional fencing will not exceed 75 feet.
In favor 2, Abstain 1.

Mr. Peck then went over his final item, the road salt prices. The Town did not sign a contract yet since he was waiting to hear back from the Town of Plymouth. Plymouth has put together a consortium of Towns to try to get a better price on road salt. The Plymouth bids are due next week. We are not able to use the State bid since we did not notify them to include us. Also, we would be locked into using them, regardless of the price. Mr. Peck felt that the Town would save close to \$40,000 if the Consortium bid came in at a price around \$47.53 per ton.

Richard Scott of Rush Pond Road, asked who is responsible for the new Route 79? Mr. Peck responded that the Town will be. Mr. Scott stated that there are two (2) different kinds of salt: one with sodium and one with calcium, what does the Town use? Mr. Peck responded that the Town uses the sodium. Jim Richardi of 5 Woodview Drive stated that during this past winter he has seen a lot of salt and it can end up going 10 feet in and up his driveway. He is concerned about his well. The Town does a good job, maybe too good, with the scatter of the salt and sand. Mr. Peck stated that the ratio is 3 parts sand and 1 part salt. The Town is actually trying to get away from sand; this will be a discussion for another agenda.

7:15 PM Meet with Planning Board to discuss Development Agreement-Sysco

Mr. Marot stated that the Planning Board does not have a final Development Agreement at this time. The Planning Board is still working on the draft and will be discussing it further this week. The Planning Board will need to meet with the Selectmen again prior to the Special Town Meeting.

Chairman Yeatts stated that the Selectmen's next meeting is next Monday. Ms. Garbitt stated that the Planning Board could meet in the Historical Room at the Library at 6:30 PM. Dick Scott stated he submitted some written comments for the Sysco Public Hearing and was wondering if they have been answered. If not, then he has a question to ask Town Counsel. Mr. Scott asked what spot zoning is, and does the Industrial C Overlay constitute spot zoning; does it meet the definition? Katherine Doyle, Town Counsel, stated that spot zoning is the rezoning of one (1) parcel of property and it will only benefit one (1) property owner, rather than the community at large. The second part, whether or not the Industrial C overlay is spot zoning, it is not. Chairman Yeatts said if anyone has any questions then they should submit them to the Board of Selectmen and the Planning Board before Thursday to have both Boards digest the information before the Boards meet again on October 4, 2010.

Vote to approve and Adopt the Layout of Chrisjenn Brooke Lane

Chairman Yeatts stated that the layout of Chrisjenn Brooke Lane was unanimously approved by the Planning Board on September 23, 2010. Ms. Garbitt stated that there were a few items on the additions: 22, 23, 24, (Attachment A – Special Conditions for Lots 6A and 6B) that have to do with Race Course Road. Selectman Maksy asked if the Board is looking to accept the conditions of the road. Chairman Yeatts responded that they were. If these three (3) are perpetual in nature, we would have to replace the fence, if it would deteriorate and rot. At least by putting in the fence, we delineated it instead of having nothing there due to the liability issue. The Order of Conditions will follow the deed. She did not think there is any way of getting out of special conditions that are perpetual in nature.

Ms. Garbitt stated that in the September 20th letter, it states that everything has been done per Mr. Peck, Superintendent of Streets, except for #3. The Developer must install the required catch basin hoods on all catch basins located within the project. Chairman Yeatts stated that if it is not done, then the article will be pulled it from the Town Meeting warrant. Ms. Garbitt stated that the easements have to be recorded within 120 days after Town Meeting. If not, then they have to start the process all over again. Chairman Yeatts stated that the catch basin hoods have to be on before this goes to Town Meeting. Attorney Mather stated that he will make sure that they are.

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

VOTED: To approve and adopt the layout of Chrisjenn Brooke Lane.
Unanimous in favor.

Vote to place Articles on Special Town Meeting Warrant

Article 1: To see if the Town will vote to transfer and/or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2011 for various accounts in the General Fund, the Park Enterprise, Landfill Enterprise, and Water Enterprise, or take any action relative thereto.

Chairman Yeatts explained that this first article is basically a housekeeping article for the Town. Ms. Garbitt briefly reviewed the transfers.

Article 2: To request that the Town of Lakeville vote to request for a hearing before the Lakeville Board of Selectmen regarding the suspension of Special Police Officer Bruce Malenfant. To be heard at the next Special Town Meeting. Petition

Chairman Yeatts stated that Mr. Malenfant has the proper amount of signatures, and they have all been certified. This can be added to the warrant.

Article 3: To see if the Town will vote to accept Commercial Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on

the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled “Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA” dated August 17, 2010, or take any other action relative thereto. Board of Selectmen

Article 4: To see if the Town will vote to accept Riverside Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled “Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA” dated August 17, 2010, or take any other action relative thereto. Board of Selectmen

Article 5 : To see if the Town will vote to accept Chrisjenn Brooke Lane as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Azor Land Sciences Inc. on file with the Town Clerk entitled “Road Layout and As Built Plan in the Town of Lakeville, MA dated August 20, 2008, or take any other action relative thereto. Board of Selectmen

Article 6: To see if the Town will vote to amend the Zoning By-Law by adding an Industrial-C Overlay District by: inserting new Section 3.1.10 as follows in Section 3.1, Zoning Districts; inserting new Section 3.2.9 as follows in Section 3.2, Location of Districts; and Section 7.9 as follows in Section 7.0, Special Regulations; or take any other action relative thereto:

Section 3.1.10 Industrial-C Overlay

Section 3.2.9 Industrial-C Overlay: for district designation, see Section 7.9.2.

7.9 Industrial-C Overlay District Regulations

7.9.1 Title and Purpose

The purpose of the Industrial-C Overlay District is to encourage and to authorize the development of large land areas for use as warehousing and distribution centers by means of an association of a variety of building types and uses, with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Lakeville generally. No land shall be re-zoned to be within the Industrial-C Overlay District unless it contains an aggregate land area of at least fifty acres.

The Industrial-C Overlay District is an overlay district superimposed over the underlying district(s). The Industrial-C Overlay District does not restrict the rights of owners that choose to develop any lot pursuant to the underlying zoning district. If a property owner elects to use the Industrial-C Overlay District for development purposes, the development shall conform to all applicable requirements of this By-law, including the requirements of any regulations or guidelines that may be developed to support this by-law. The provisions of the underlying zoning district(s), and the provisions of this By-Law generally, including bulk and dimensional requirements, shall apply within the Industrial-C Overlay District, except if inconsistent with the

Industrial-C Overlay District regulations set forth below, in which case the provisions of the Industrial-C Overlay District shall govern over any conflicting zoning requirements of the underlying zoning district(s). This By-Law shall not prohibit uses permitted as of right or by Special Permit in the underlying zoning districts.

7.9.2 District Designation

The Industrial-C Overlay District shall overlay the land shown as Assessors' Map 60 Block 7, Lots 1, 52, 53, 54, 55, and 56.

7.9.3 Permitted Uses as Principal Activities in the Industrial-C Overlay District

Those uses permitted in the respective underlying zoning district(s), as well as the following uses, shall be permitted within the Industrial-C Overlay District:

- 1) Warehouse and Distribution Facility;
- 2) Business Offices.

All permitted uses are subject to Section 7.9.5, "General Regulations in the Industrial-C Overlay District".

7.9.4 Accessory Uses

The following uses shall be allowable as accessory to the above principal activities:

- 1) Restaurant or Cafeteria, provided it is contained within an existing building used primarily for one or more of the permitted principal activities stated in Section 7.9.3 and not in a freestanding building by itself.
- 2) Parking and Access Drives for all permitted uses, as well as any and all utilities necessary to support such permitted uses, including but not limited to a Wastewater Treatment Facility.

7.9.5 General Regulations in the Industrial-C Overlay District – Applicable to Uses Permitted.

7.9.5.1 Minimum lot area - shall not be less than fifty acres.

7.9.5.2 Lot Coverage – a maximum of 60% of the lot may be covered by structures, parking, and paved areas. For the purposes of determining lot coverage, properties in the Industrial-C Overlay District shall be exempt from the requirements of Section 5.2.2.1.

7.9.5.3 Parking Lot Access – The restrictions set forth in Section 6.5.1 regarding the maximum number of entry/exit points shall not apply to the Industrial-C Overlay District.

7.9.5.4 Multiple Buildings on a Lot – Within the Industrial-C Overlay District, multiple principal structures may be constructed within a single lot with site plan review.

7.9.5.5 Site Plan Approval – The applicant shall submit a site plan to the Planning Board in accordance with the requirements set forth in Section 6.7 of this By-Law. Where Section 6.7 is inconsistent with this Section of the By-Law, this Section of the By-Law shall control.

7.9.5.6 Site Plan Approval for a project with the Industrial-C Overlay District shall be conducted as a public hearing, and notice of the hearing shall be given to abutters. All costs associated with the notice and hearing shall be borne by the petitioner.

7.9.5.7 Design Standards

- a. A building height of up to 50 feet is permitted within the Industrial-C Overlay District, provided that appropriate restrictions and buffering requirements are set forth in a Development Agreement between the applicant and the Board of Selectmen on terms acceptable to the Planning Board.
- b. The applicant shall construct sound attenuation structures to minimize any noise generated by the proposed use, particularly where the proposed use abuts residential properties. Said structures shall be designed to be consistent in quality, color and design with the predominant materials of the building and landscape.
- c. If the proposed Site Plan includes roadways or fire lanes within the required setback of the underlying zoning district, the setback shall be increased to sixty feet for the front and rear yard setback and fifty feet for side setbacks.
- d. Loading docks, truck parking, outdoor storage, utility meters, HVAC units, dumpsters, trash compaction and other service functions shall be oriented to reduce the visual and acoustic impacts of these functions upon adjacent properties and public and private rights-of-way. Any screening materials shall be equal to and consistent in quality, color and design with the predominant materials of the building and landscape.
- e. Notwithstanding the requirements of Section 5.1, and 7.9.5.2, lot coverage may be increased to 80% if the applicant complies with the Design Standards of this Section including site and design requirements pursuant to Section 7.9.5.8.

7.9.5.8 In connection with Site Plan approval for any project within the Industrial-C Overlay District, the Planning Board may incorporate, as a condition to such approval, site and building design requirements that have been accepted by both the applicant and the Planning Board and

expressed in the form of a written contract or covenant between the applicant and the Board of Selectmen on terms acceptable to the Planning Board.

Planning Board

Article 7: To see if the Town will vote to amend the “Agreement between the Towns of Freetown and Lakeville, Massachusetts with Respect to the Formation of a Regional School District,” most recently amended in 2001, to create a PK-12 Regional School District, including, but not limited to, the establishment of the manner of nominating and electing members of the Regional School Committee, establishment of a Regional Finance Committee, the location and leasing of schools in both Towns, the apportionment and payment of costs incurred by the District, student transportation responsibilities, admission of additional towns, withdrawal from the District, termination of the Agreement, and the incurring of debt, all as on file with the Town Clerk, or take any other action relative thereto.

Regional School Committee

Attorney Doyle stated that Attorney Lauren Goldberg did find some issues with it and would like to review it further. If the Board would prefer to have a shorter warrant article, language could be put in that describes the article in general and once the proposed changes are figured out, the entire article can be available as filed with the Town Clerk’s Office. John McCarthy, Superintendent of Schools, stated that the Regionalization Agreement K-12 has been submitted to the Department of Elementary and Secondary Education (DESE). The School Committee has not signed off on it, and they will not sign off until both Towns approve the agreement. It does comply with method two, one person, one vote. However, the language this evening contradicts that. This will need to get resolved.

Ms. Garbitt asked how much time before Town Meeting does the agreement have to be filed with the Town Clerk for people to review. Attorney Doyle responded at least a week, but as much time as possible. Attorney Doyle will do her best to get the language back to the Town. Coordination needs to take place with others that have to be involved in the discussion. Chairman Yeatts stated that if this can be done by next Monday, then copies can be made available at the Selectmen’s meeting. Mr. McCarthy pointed out that it would also have to be voted by the Regional School Committee again, and they are not meeting again until October 5th, however, an emergency meeting could take place. Mr. McCarthy will call DESE tomorrow and review this with them.

Selectman Olivier stated that one of the changes he had was from the Town Accountant, to be more specific with what it outlines, page 7, #5. This should be more specific for the general revenue. Mr. McCarthy stated that he would also have the DESE look at that language again. He will also run this by Michael Long, School Department Counsel. Chairman Yeatts explained that this comes from the past when the Town has not received credit of assessments, and the Town wants to make sure that it does receive its due credits each year. Selectman Olivier stated that he did not see any internal controls in the entire document. Section A, Definition of Costs, then on the next page is the definition of Operating Costs that the Region is responsible for. Selectman Maksy stated that he did not mind adding these changes, but he wants to make sure it can be added at this late date. Selectman Olivier stated that it is important to make this distinction in the agreement. Mr. McCarthy stated that it can be run by Counsel and the DESE to see where it stands. The basic agreement is solid. The biggest issue is the election of the School Committee members, to make sure that it complies with one person, one vote. On these two (2) other issues, certainly it will be reviewed, but it seems to be more technical language. If it does

not change the meaning of the agreement, then there should be no problem. The School Committee voted the latest changes that the Selectmen have tonight, but not what just came in from Selectman Olivier. They would have to vote to amend it on Town Meeting floor. Attorney Doyle added that it depends if the amendments are within the scope of the article, as determined by the Moderator. Mr. McCarthy stated that if they get the basic vote for both towns, the Selectmen can approve it, and it can still be tweaked prior to July before it is operational. We can do this at Town Meeting in the spring. It can be amended from time to time as needs arise. The School Department wants to make sure it is accepted and approved, but if the Commissioner has to go back and sign off on it again, does that mean it will not go into effect July 1st? Mr. McCarthy will be spending a lot of time on the phone tomorrow to make sure that this can be worked through. Since Kopelman & Paige are working for both Towns, it is assumed that they will give the same opinion for both communities. When this was amended on the 18th of August and then once in September, feedback was received from the Lakeville Selectmen, the DESE and Mike Long. However, there was no feedback or legal opinion from Freetown. Ms. Garbitt asked Attorney Doyle what would happen if Lakeville puts its language in and they already voted tonight? Attorney Doyle responded that they can still change it through the motion on Town Meeting floor, and it has to be within the language in the scope.

Selectman Maksy noted that three (3) issues need to be incorporated, and it is hoped that that can be done prior to Town Meeting floor. Attorney Doyle explained that the Town can go with the existing language or go with the paragraph provided in the email that gives a general description of what the article will include and what interested citizens would find in the Town Clerk's office. It will also save money on printing the warrant. Selectman Maksy then read the proposed article language paragraph.

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

VOTED: To see if the Town will vote to amend the "Agreement between the Towns of Freetown and Lakeville, Massachusetts with Respect to the Formation of a Regional School District," most recently amended in 2001, to create a PK-12 Regional School District, including, but not limited to, the establishment of the manner of nominating and electing members of the Regional School Committee, establishment of a Regional Finance Committee, the location and leasing of schools in both towns, the apportionment and payment of costs incurred by the District, student transportation responsibilities, admission of additional towns, withdrawal from the District, termination of the Agreement, and the incurring of debt, all as on file with the Town Clerk, or take any other action relative thereto. Unanimous in favor.

Further discussion took place regarding allocating Town Services for the Region. Chairman Yeatts asked if Lakeville is the first responder for the Regional Schools? Acting Chief Alvilhiera stated that it would depend on what the situation is and if mutual aid is needed. Mr. McCarthy stated that the Town has a mutual aid agreement, so with a routine call it is in Lakeville, but with an emergency situation it is who is closest that will respond to get there. David Davenport, Local School Committee member stated that Mr. McCarthy did his homework. Just because other regional districts do not recognize this matter, does not mean that

it does not exist. It is not a matter of what the School Committee or the Superintendent says, it is a matter of what you are comfortable with. Mr. McCarthy explained that he had contacted other districts to find out how they determine this at a Regional level. Several of the districts that he contacted and they wanted to know the answer, since they have also asked these questions also. You will not get out of the tax aspect, but there are other things you can build in. There is the Resource Officer, who is a Police Officer that works in the schools. It was started by grant money, but a lot of that has gone away. Those are the types of things you can build into a Regional budget and then share the cost out. Like inspections, you could charge for inspections and those go into the budget as opposed to Lakeville having to pay for them, and then both towns would share the costs. That is Mr. Davenport's point, how to take these services and share them out. This is something that we can look at as we build our next budget. What the Town may charge us in a Regional budget and then both towns can share the costs.

Janet Scott of Rush Pond Road stated that since there seems to be details that still need to be worked out so why put this on the warrant then? Chairman Yeatts explained that they are not substantial details. This is something that can be worked on later. The small changes that Selectman Olivier made, Town Counsel said they are not substantial changes. Selectman Olivier stated that it is important to get the agreement on the next Town Meeting Warrant since the Town has to have it submitted to the Department of Education by December 31st or the Town will not be able to move this forward next year. Jim Richardi stated that over the years he has listened to the previous people on the School Boards, and as part of the School Department, he has clipped out all the articles. One year regionalization is good, the next time around it is bad, so it is all good now? Mr. McCarthy stated that he will also be setting up meetings in both towns so that they will be able to find out more about Regionalization and what it will be like. The citizens will have the opportunity to ask questions.

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

VOTED: To put the above wording on the Warrant for the Special Town Meeting regarding the general language for the School Regionalization Agreement.
Unanimous in favor.

Chairman Yeatts spoke about the petition article received from Bruce Malenfant. He has submitted a valid petition with the necessary amount of signatures being certified by the Town Clerk. So this article must be placed on the Warrant. Mr. Malenfant thanked Chairman Yeatts for placing the article on the warrant since it has been ten (10) months.

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

VOTED: To place the above seven (7) articles on the Special Town Meeting Warrant.
Unanimous in favor.

Chairman Yeatts stated that the order of the articles will be different than was reviewed this evening. Article 1 is the Housekeeping Article, Article 2 is Mr. Malenfant's Article, Article 3 is Commercial Drive, Article 4 is Riverside Drive, Article 5 is Chrisjenn Brooke, Article 6 is the Industrial Overlay C and Article 7 is the full regionalization agreement.

Vote to sign Special Town Meeting Warrant

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

VOTED: To waive the reading of the Special Town Meeting Warrant.
Unanimous in favor.

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

VOTED: To sign the Special Town Meeting Warrant.
Unanimous in favor.

Review Request for Extension of Contract for pump station

Chairman Yeatts stated that the design of the pump station building needed to match the foundation and it did not, but since then the matter has been rectified.

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

VOTED: To approve the Extension of the Contract for the pump station with Celco Construction Corporation beyond September 27, 2010 for three (3) months.
Unanimous in favor.

Review Agreement with Savas regarding Betterment/Connection Fees

Chairman Yeatts explained that the Savas' are trying to get an agreement in place since they are going to court regarding their water. The agreement is just to say that they will agree to pay for connection fees, etc., when the Board comes up with something, so they can begin their project.

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

VOTED: To approve the water connection for the Savas Plaza property.
Unanimous in favor.

Discuss Appointment of Assistant Wiring Inspectors

Chairman Yeatts read the letter from Robert Iafrate, Building Commissioner dated September 16, 2010. Selectman Maksy stated that his recommendation is just to appoint one (1) person, since the other letter from Mr. Iafrate stated that the Town did not even need one (1), so why does it need two (2)? He did not think that two (2) inspectors were needed. Chairman Yeatts stated that the Board should not micromanage the Building Department. Chairman Yeatts stated that this is what the Building Commission wants. There are hopefully some big projects coming on line. Selectman Olivier stated that he did not remember asking for two (2) Assistant Wiring Inspectors. They might both walk away and say they are not getting enough work in the town.

Selectman Maksy added that this is someone that can buy time back and get into the retirement system. Ms. Garbitt noted that the rules have changed with Pension Reform.

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

VOTED: To appoint Mellio Gaza to the position of Alternate Assistant Wiring Inspector to the Town of Lakeville.
Unanimous in favor.

Request for Appointment of Terrence Flynn to Energy Advisory Committee

Chairman Yeatts read a letter from the Board of Health requesting that Terrence Flynn be appointed to the Energy Advisory Committee as the Board of Health representative.

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

VOTED: To appoint Terrence Flynn to the Energy Advisory Committee with a term to expire July 31, 2011.
Unanimous in favor.

Request for Appointment of Police Officer

Chairman Yeatts read the letter from Acting Police Chief Frank Alvilhiera asking that Richard Pacheco be appointed as a Lakeville Police Officer.

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

VOTED: To appoint Richard Pacheco, effective October 10, 2010, with a one (1) year probationary period upon successful completion of a psychological examination, physical examination and physical abilities testing.
Unanimous in favor.

Review Heating Oil Bids

Chairman Yeatts read what Ms. Craig had sent out and what she had received back in regarding the heating oil bids. Selectman Maksy stated that Standish Oil has always treated the Town fairly and his price is under the State bid.

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

VOTED: To accept the bid of Standish Oil at a delivery fee of \$.174 per gallon with a \$75.00 per hour annual cleaning and maintenance fee and an \$80.00 per hour fee for air conditioning work.
Unanimous in favor.

Vote to sign Compliance Certificate – 7 Woods Edge

Chairman Yeatts stated that another unit was sold at Woods Edge through CHAPA. The Town has \$22,000 in its Affordable Housing Fund. This time, with how the price worked out, the Town will not receive any funds. Ms. Garbitt stated that this is the 4th unit that has not been able to sell for the affordable units. They had done 50% affordable nits, not just 25% as required.

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

VOTED: To sign the Compliance Certificate for 7 Woods Edge Road.
Unanimous in favor.

Discuss MMA Legislative Alert regarding Health Insurance Plan Design

Chairman Yeatts explained that the Legislative Alert is just to give municipalities the same option that the State has without going through the collective bargaining process in order to change deductibles and co-pays. The Town has been trying to get this done. The key talking points were then read by Chairman Yeatts as listed on the correspondence dated September 15, 2010. The Board will sign the letters and send them to the Town's Legislative Delegation.

Review Draft and Vote on Charge for Energy Advisory Committee

Chairman Yeatts stated that Ms. Garbitt and Mr. Iafrate have been working on a charge for the Energy Advisory Committee. Chairman Yeatts then read the charge into the record: *To help educate the Town of Lakeville on clean energy options and measures that can be implemented to reduce energy use, conserve resources and reduce emissions; to assist in the development of cost effective projects on municipal facilities to reduce energy and resource use and develop renewable energy resources; and to promote awareness of new technologies and their potential impact on energy use and resource conservation.*

Chairman Yeatts then stated the membership of the Committee, which was appointed by the Board of Selectmen, consists of the Building Commissioner, the Town Administrator, a member from the Board of Selectmen, Planning Board, Zoning Board of Appeals, Park Commission, Board of Health, Conservation Commission, Open Space Committee, Historical Commission, Board of Assessors and Lakeville Development Corporation (LDC), as well as, several members at-large.

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

VOTED: To approve the charge for the Energy Advisory Committee as written.
Unanimous in favor.

Request to use Town House-Boy Scout Troop 26

Chairman Yeatts read the request from Boy Scout Troop 26 to use the Town House for a Christmas Wreath fundraiser sale.

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

VOTED: To approve Boy Scout Troop 26 to use the Town House on November 26 and November 27, 2010 for a wreath sale pending them following all the necessary paperwork and regulations.
Unanimous in favor.

Request for Storage Trailer Permit Renewal-Morse Sand & Gravel

Chairman Yeatts read the letter into the record from Robert Iafrate, Building Commissioner, dated September 27, 2010. Right now there are no changes to the trailer's original positioning. Chairman Yeatts asked long the Board is going to allow this to take place? Ms. Garbitt stated that she did not think that they can add another building or structure since it would increase their non conformity.

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

VOTED: To approve the Storage Trailer Permit Renewal for Morse Sand & Gravel located at 10 Fern Avenue.
Unanimous in favor.

Request to extend Earth Removal Permit-William Logan-Precinct Street

Chairman Yeatts stated that Mr. Logan is requesting an extension of another week. She has no problems with that. Selectman Olivier asked if the bond has been extended also. Chairman Yeatts stated that the bond is not released until the project is done. Selectman Maksy asked to make sure that the bond will still be in place.

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

VOTED: To approve the extension of the Precinct Street Earth Removal Permit (from October 1 to October 8, 2010) for William Logan, pending the bond also being extended as well.
Unanimous in favor.

Request for Unregistered, Ungaraged Vehicle Permit-Leo Rousseau

Chairman Yeatts read the letter dated September 27, 2010, from the Building Commissioner into the record. Discussion then took place on the letter. Ms. Garbitt pointed out that when the Selectmen asked her to have the Building Commissioner look into this, the Building

Commissioner found out that they needed an additional permit. The Board will table this matter until more information is received.

Discuss letter from Middleborough Gas & Electric (MG&E) regarding street lights

Ms. Garbitt stated that the good news is that the Energy Advisory Committee is up and running and that the Town is fortunate to have a member that can interpret the information for Mass Energy Insight. The Town has been working with the MG&E to come up with all the accounts of all the street lights. It was discovered that several street lights had been turned off years ago and since have been turned back on. However, the Town was not being billed for them. The budget for street lights now is \$2,000 under budget. Ms. Garbitt will call Sandra Richter at MG&E about those lights to determine that they are indeed on. She will follow-up to find out if the additional poles on Route 105 should be paid for by the Town or if the State should be getting billed. The budget for next year will have to increase by \$2,000.

Review and vote to approve Selectmen's Meeting Minutes of September 14, 2010

Selectman Olivier has two minor changes: it is a billion dollar investment and a 650,000 square foot building.

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

VOTED: To approve the September 14, 2010 Selectman's Meeting Minutes as amended.
(change second paragraph on page 1, figure to read 650,000 square feet and the investment to read \$110,000,000 million investment)
Unanimous in favor.

Review and vote to approve Executive Session Minutes of August 30, 2010

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

VOTED: To approve the Executive Session meeting minutes of August 30, 2010 as presented.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt stated that she attended a meeting with Jonathan White, Developer, regarding the requirements with the State on the archeological findings from the dig at Kensington Court. They met with the Library Trustees about where the display would be placed of the findings and if they would want the artifacts housed here or to just have a wall display. Mr. White is on target with meeting his requirements.

Other Items

1. Copy of letter from Canpro regarding Commercial & Riverside Drive
Selectman Olivier asked if the Certificate of Completion will occur after the Special Town Meeting October 18, 2010. Ms. Garbitt said yes.
2. Memo from Town Counsel regarding Early Retirement Incentive
Selectman Maksy pointed out that the Town could actually adopt an Early Retirement Incentive. Has the Town ever adopted any of the Early Retirement Incentives? Ms. Garbitt responded that once, maybe twice, and it was for certain positions: the Treasurer/Tax Collector and the Fire Chief. The Town had to replace both positions. The Town is limited to positions that you do not need to replace. The last item restricts you if you have to refill the position. Selectman Maksy suggested that maybe the Schools would think this is beneficial. They adopted the Lexington Plan he believed. Ms. Garbitt stated that she did not think that there were many School employees looking to retire, but will send the letter over to the Superintendent.
3. Memo from Town Counsel regarding On-Premises Alcoholic Beverages Licensing
4. SRPEDD Publication-The Most Dangerous Crash Locations in SE Mass – 2006-2008
Selectman Maksy pointed out that the Town made the list (the 100 most dangerous intersections in Southeastern Massachusetts), page 5, #89. Then, page 7, Bedford St. (Lane Departure crashes on local roads), this should be forwarded to the Police Chief.
5. Letter from Secretary of State regarding 2010 Federal Census
Selectman Olivier asked what the requirements are to redraw local precinct lines, since the Town has more than 6,000 inhabitants, and there is a workshop coming up on this. Ms. Garbitt responded that the Town Clerk is going to request the municipal technical assistance at no cost. The Town may be averaging 2,000 voters in its precincts. The number of registered voters is 6,000. The Town would want the whole analysis for the technical assistance. Lakeville may have to go to a 4th precinct.
6. MMA Municipal Calendar Photo Contest
7. Information from Southeast Center for Health Communities regarding youth substance abuse
8. Information regarding MassWorks Infrastructure Program
9. Letter from Comcast regarding High Definition Set Top Box
10. Letter from Department of Telecommunications and Cable
11. Notice of hearing-Cape Cod Tidal Energy Project
12. Notice from Massachusetts Rehabilitation Commission regarding reformation of MRC Regional Consumer Advisory Councils
13. Notice from MMA regarding Local Officials Human Services Council meet – October 8, 2010
14. Memo from Horsley Witten Group regarding Proposed Subdivision Rules and Regulations
Chairman Yeatts pointed out that the memo also provides suggestions to the bylaws to strengthen them for resource protection. Selectman Olivier stated that the Board should probably recommend something when the dust settles. Chairman Yeatts noted that this is for the Annual Town Meeting so there is some time on this.
15. Draft of Lakeville's Green Communities Action Plan Report

Adjournment

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

VOTED: To adjourn the meeting at 9:31 PM.
Unanimous in favor.