

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**October 6, 2014 - 7:00 PM**

On October 6, 2014, 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 Powderly at 7:00 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow of The Middleboro Gazette was recording the meeting and LakeCAM was recording for public broadcast.

**7:00 PM Meet with Police Chief and William Driscoll for Commendation**

**Discuss Police Chief's request for full time Dispatcher position – remainder of FY15**

**Discuss Police Chief's request to rescind Anthony Keaney's appointment as a Recruit Police Officer and to appoint him as Reserve Officer and Constable**

**Meet with Police Chief and William Driscoll for Commendation**

*Frank Alvilhiera, Police Chief, and William Driscoll were present for the discussion.* Chairman Powderly read the Chief's letter into the record regarding William Driscoll, a resident of Raynham. The letter stated that a person driving on Route 44 in Lakeville suffered a medical emergency. Mr. Driscoll observed the man driving erratically and prevented a major traffic accident by using his vehicle to push the other vehicle into the guard rail to stop it. He then performed CPR on the other driver, but the driver passed away. Chief Alvilhiera presented Mr. Driscoll with a Distinguished Citizen Award, and the Board of Selectmen commended him on his actions. Mr. Driscoll left the meeting.

**Discuss Police Chief's request for full time Dispatcher position – remainder of FY15**

Chairman Powderly noted the receipt of a request from Chief Alvilhiera to add a fifth full-time Dispatcher for the remainder of FY15. Chief Alvilhiera said he was requesting to add a fifth full-time Dispatcher for the remainder of FY15. Currently there are four (4) full-time Dispatchers. On a 4/2 schedule, this leaves two (2) open shifts per week. This position would fill the shift with full-time personnel. He would be assigning Reserve Officer Anthony Keaney to the position. Mr. Keaney would immediately be enrolled in the 911 Dispatch Academy, and after completing the five (5) week course, fill those shifts in November. This position also would give the Head Dispatcher time to complete necessary administrative duties. Chief Alvilhiera said having the additional Dispatcher would also allow for covering vacation, personal days, and sick time without overtime. He would also be able to use Mr. Keaney when patrol staffing issues arise. Chief Alvilhiera noted during the late 1990's, the Department's compliment consisted of five (5) full-time Dispatchers. This would bring them back to that staffing level. He would use available grant funds from 911 and wages from the part-time Dispatchers to cover the salary in the FY15 budget. Mr. Keaney's training would be covered under the 911 Training Grant, and no additional funding is needed for his five (5) week training course.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the request for an additional full time Dispatcher position for the Police Department for the remainder of FY15.  
Unanimous in favor.

Discuss Police Chief's request to rescind Anthony Keaney's appointment as a Recruit Police Officer and to appoint him as Reserve Officer and Constable

Chief Alvilhiera said that due to an injury that Mr. Keaney suffered in the Police Academy, he was unable to complete the Academy training. He requested that Mr. Keaney's appointment as a Recruit Police Officer be rescinded, and that he be appointed as a Reserve Officer and Constable.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To rescind Anthony Keaney's appointment as Recruit Police Officer.  
Unanimous in favor.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To appoint Anthony Keaney as Reserve Officer and Constable.  
Unanimous in favor.

**7:15 PM Meet with Board of Health to discuss filling of vacancy on the Board of Health**  
**Discuss Board of Health Vehicle Status**

*Robert Poillucci, Jr. and Terrence Flynn, Board of Health Members, were present for the discussion.* Chairman Powderly stated that two (2) letters of interest were received regarding the vacancy on the Board of Health. The letters were from Derek Maxim and Pietro Panettieri. Chairman Powderly read both letters of interest into the record. Mr. Poillucci stated that he felt both applicants are qualified for the position. His recommendation would be for Mr. Maxim. Mr. Flynn also felt that Mr. Maxim would be a perfect fit. Selectman Hollenbeck asked what kind of skills is the Board of Health looking for. Mr. Flynn responded that both applicants have the necessary skills. Mr. Poillucci stated that both applicants are qualified in regards to septic variances.

Chairman Powderly asked how often would Mr. Maxim have to recuse himself. Mr. Poillucci responded that when the Board votes on a septic plan, they do not know who the installer will be. If Mr. Maxim knew that it was a Redlon plan, then he would have to recuse himself. Mr. Panettieri stated that if Mr. Maxim did any work in Town, he would need an inspector from another Town to inspect the job. Selectman Burke stated that, that is for anyone, not one specific installer. Chairman Powderly noted that Mr. Maxim does not own Redlon. The permits are not under his name, therefore, he may not have to recuse himself. It is up to Mr. Maxim to contact the State Ethics Commission on this matter. Mr. Maxim stated that he has eight (8) employees and two (2) different crews each day. He does not automatically go to the Lakeville jobs. Mr.

Poillucci added that when he was an installer, he did not install in Lakeville. He does do his own houses, though he does not put in the septic. Chairman Powderly asked who would do inspections on Mr. Maxim's installations. Mr. Poillucci responded that he would.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To appoint Derek Maxim to the Board of Health with a term to expire April 5, 2014.  
Unanimous in favor.

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

VOTED: To appoint Derek Maxim to the Board of Health with a term to expire at the next election April 4, 2015.  
Unanimous in favor.

Mr. Poillucci then spoke on the status of the Board of Health (BOH) vehicle. The motor died approximately six (6) weeks ago, and the Town Mechanic has looked at it. The BOH has been without a vehicle since that time. Mr. Perry uses his own vehicle, and puts in the mileage. What does the BOH need to do to get a new vehicle? Ms. Garbitt stated that the Board had her put together some mileage figures and the history going back six (6) years. Mr. Perry is reimbursed the IRS rate. The mileage submitted and driven has been about 20,000 miles over six (6) years. The number of septic installations that have been done were 240, which includes three (3) inspections. There have been 104 Title V's and 16 perc tests. The miles on the BOH car also includes those of the Assistant Inspector. The average is about 3,300 miles a year. Chairman Powderly stated that the Board can approve a \$200 a month car allowance. Mr. Poillucci stated that he has asked Mr. Perry before about the car allowance, and he does not want to do that since he then gets taxed on the money. Mr. Flynn added that Mr. Perry would rather have the \$.56 per mile, however, he said it was never part of the arrangement to use his own vehicle on a permanent basis. He did not mind doing it temporarily.

Mr. Poillucci stated that the BOH would like a vehicle for the Department. Ms. Garbitt stated that it could be placed in the Capital Plan. She felt the repairs would cost approximately \$1,000. Mr. Panettieri mentioned that when the BOH received their first car, it was a recycled Police Cruiser. Mr. Perry was promised a car when he was hired. Chairman Powderly stated that the present car can be fixed by the Town Mechanic. Mr. Poillucci stated that the BOH was told that it would not be fixed, since the motor was gone. Chairman Powderly stated that the engine can be switched out from the Animal Control vehicle and given to the BOH for their vehicle. Ms. Garbitt stated that it would take about 25 hours to switch out both engines, however, if an engine is purchased, it takes half the time. The BOH vehicle will be repaired.

#### **7:30 PM Revisit Request from Attorney Ryder regarding Acceptance of Woodland Ridge Drive and Village Road as Town Ways**

*Residents from Woodland Ridge Drive and Village Road were present for the meeting.* Chairman Powderly outlined how the discussion would occur. Selectman Hollenbeck and

Selectman Burke will speak on the matter, then it will be opened up for questions. Chairman Powderly read the letter dated September 2, 2014, from Attorney John Ryder into the record. He stated that Jeremy Peck, Superintendent of Streets, contacted the engineer, Jeff Youngquist of Outback Engineering. It has been estimated that the cost for the scope of services is \$16,000. This includes an As-Built Survey and Plan Development, Catch Basin Cleaning, and Stormwater Management Maintenance. Chairman Powderly then reviewed the procedure to have Woodland Ridge Drive and Village Road be accepted as Town ways. Chairman Powderly then read into the record a letter that was received from the residents of Woodland Ridge Drive and Village Road. The residents were requesting that the roads be maintained by the Town, and that the Town cover all the costs to bring the roads into compliance. Chairman Powderly said that the Special Town Meeting (STM) is being held on November 17, 2014. The Selectmen put an article on the (STM) to vote to accept Woodland Ridge Drive and Village Road.

Chairman Powderly explained that the money being held in reserve was returned to the developer by the Planning Board. The bond that was taken out at the time for the roadways was a Road Maintenance Bond, but it should have been a Performance Bond. This matter will remain on the Selectmen's agenda until it is resolved. If it is not resolved at the STM, the residents will have to plow the road themselves. It is not the Town's responsibility to plow those roads at this point in time. The Town has been advised by Town Counsel that the matter cannot be brought to the STM for acceptance until an As Built is done. The Selectmen were just as surprised about this matter as the residents were. Outback Engineering can do an As-Built in ten (10) days, if they are asked to do so. That date would be October 17, 2014. The information would be provided to the Planning Board and the Superintendent of Streets for review. The next step would be for the Selectmen to vote their Intent to Layout the roads at a regular Selectmen's meeting. The Planning Board would have to vote to recommend to the Selectmen to accept the road. The Selectmen would then hold a public meeting to vote to Adopt the Layout, and send it to the Town Clerk. Then it goes before STM. This is a very tight timeline. If everything does not follow this timeline, then the road cannot be brought to Town Meeting for a vote.

Selectman Hollenbeck stated that the roads must be approved at the STM to become a public way. One of the missing pieces is having an As-Built plan. It would not be a valid vote, if there is not an As-Built plan. The Selectmen's hands are tied; we cannot use public funds to have that done. If the Town tried to do it, it would need to put it out to bid, and we would not meet the timeline for STM. This needs to be done prior to Town Meeting for the acceptance to be valid. The Selectmen will forward the matter along, but it is subject to STM approval. Selectman Burke stated that when the Board heard about this, its goal was to put a plan in place to get this to Town Meeting and advocate for its acceptance. That is the only part of this that the Board can do. The timeline has been created. It may make sense to have a conversation with the Planning Board, and have them come out and advocate for the roads' acceptance. They need to see that things have been done. If the timeline is followed, there is a very good chance of getting the road accepted on November 17<sup>th</sup>. The Town cannot put money towards it, since it is considered a private road, and the Town cannot appropriate money for a private entity. Not only the procurement law holds back what the Board can do, but the Board does not have a mechanism to pay for anything in a legal sense.

Chairman Powderly cautioned the residents that the matter could be voted down at the STM. The residents will need to be there and have some compelling arguments for its acceptance. Christopher Massif of 11 Village Road asked about the letter from the residents. Chairman Powderly responded that the letter was open ended, and the Board took it upon themselves to contact Outback Engineering directly. The \$1,500 estimate grew to \$15,000. Dorothea Ugi of 13 Woodland Ridge Drive said the first she heard about this was from Facebook and a neighbor. They have not heard anything from the Town. A Maintenance Bond was taken out, not a Performance Bond. The cash was given back. Chairman Powderly explained that he is not disputing the letter at all. The Board doesn't know if Mr. Bartlett has money to complete the work. Ms. Ugi asked why a letter wasn't sent from the Town or this matter questioned by someone. Jessica Bradley of 12 Village Road asked if there was any accountability on the Town side from all the mistakes that were made. Selectman Burke responded that is why the Board contacted Town Counsel. Chairman Powderly explained that Town Counsel said that there was nothing that the Selectmen could do. The residents are welcome to contact their own attorney. However, if you do that, the timeline will decrease. Thomas Arruda of 14 Village Road asked why the bond was released. Selectman Burke responded that if it had not been for Attorney Ryder's letter, the Board would have no knowledge of this matter. Mr. Arruda said the residents elected the Selectmen, and the Town should bear some culpability. A timeline of four (4) weeks does not give us much time. Selectman Burke agreed that the residents should explore the legal culpability at some point; however, the acceptance of the roads should be settled now.

Chairman Powderly stated that the Planning Board has to be more careful with road development in the future, however, the current situation is what we want to solve now. If it takes too long to finish a road for acceptance, then the money being held would not be enough, since costs would increase. Chairman Powderly stated that the Board is trying to work on the November 17<sup>th</sup> timeline. Selectman Hollenbeck explained that there is case law regarding the subdivision laws. Those laws are there to protect the members of the development second and the population first. It has been argued a number of times back and forth as to who is responsible. We are trying to give you a way to get the road accepted. When we were made aware of the situation, we pushed back the date for STM in order to accommodate this. The Town cannot accept a road until it has been finished for two (2) years. You do need the As-Built done to get the road accepted. However, if you do not start on this now, you will not get the road accepted at STM. Rob Gallagher of 7 Woodland Ridge Drive said the Performance Bond was not secured, but they did not even get what they asked for. A Performance Bond is supposed to secure the Town's interest, if it does not get paid for. It would never pay for cleanup of a storm drain or an As-Built. The bond lapsed. Chairman Powderly stated that no one is disputing that.

Mr. Gallagher asked whose liability is it to see that the proper bonds are in place. If the right bond was obtained, we would not be here. Whoever sold the Town the bond through Gene Bartlett has liability. Mr. Bartlett does not have money to pay for another one. So is the Town going to take this fight and find out who is responsible? There is a person who serves on Town Boards, and he is involved very deeply, and there is a conflict. We would not be here if the Town did what they were supposed to. Selectman Burke stated that Town Counsel said the function of a Planning Board is discretionary. Mr. Gallagher said what the Planning Board asked for was correct, but they did not get what was asked for. There are issues within the Town that need to be addressed, and he wanted to state that for the record. Chairman Powderly stated that

lawsuits take a long time, but then the road is not being accepted. Mr. Gallagher said the problem is the bond, the developer and the Town. The Town was the beneficiary of the bond. Brad Pineault of 7 Village Road said the bond is supposed to protect the interest of the Town. So where is the Town's recourse? Ms. Ugi said the Planning Board Clerk and the Town Clerk should have caught this. Mr. Pineault said this should not extend to us. Our backs are up against the wall. We don't want to pay this. You should be looking to Town Counsel, since Gene Bartlett is bankrupt. Mr. Gallagher asked if anyone contacted Outback Engineering to see if they would do this in good faith. Selectman Burke stated that they will not do the work if they don't get paid. Gail MacKinnon of 8 Woodland Ridge Road said this was thrown on us, and the Town should sue to get the money. If we agree to pay for the As Built, do you still plan to continue to look for ways to reimburse this? You have a Board that violated its own regulation. Are you asking us to pay for the As Built? Selectman Burke responded that the residents will have to pay for it. Ms. MacKinnon asked if the Town will continue to pursue this legally to see how the money can be recovered. Selectman Burke stated that the Board can certainly ask Town Counsel again. Ms. MacKinnon said so to be clear, you are asking us to pay for the As-Built, not the rest? Selectman Burke stated that normally the Town does not accept roads with catch basins that are not cleaned. The residents will have to get everyone at Town Meeting to accept that road. He will be advocating that at Town Meeting. He did not believe the residents should have to be paying for landscaping for a road that is complete, but if you go to Town Meeting, and it is not done to the letter of the policy, there is a risk that it will not be accepted. It is up to you to gauge that risk.

Chairman Powderly stated that paying for the As-Built does not preclude the residents from taking future action. Ms. Bradley said so the best chance of getting the road accepted is to do both items. Who would typically take care of that landscaping? Selectman Burke explained that the developer would, prior to the road being accepted. Ms. Bradley asked if there is any Town Department that could help us out. Selectman Burke said that the Town does not have the easements to go on the property and do the work. Steve Scianna of 4 Village Road said the residents would be trespassing as well. Chairman Powderly stated that the residents can ask Mr. Ryder for a release to go onto private property. The safer bet is to do both things. It does not preclude you from going back after that money at a later time. David Dixon of 16 Village Road asked if there is a document that outlines what has to be done. Chairman Powderly responded that the Superintendent of Street has outlined what has to be done. Selectman Burke stated that the Board has the procedural timeline and document that lays out everything that has to happen. Chairman Powderly stated that the hourly estimates for the work are detailed as they would be if done by the Highway Department. Ms. Bradley asked who needs to inspect it once the work is done. Chairman Powderly responded that it would be the Superintendent of Streets. Selectman Burke stated that Mr. Peck will get the As-Built plan and review it and write a report.

Chairman Powderly stated that the Board asked Town Counsel about all the mistakes and waiving the work, but it didn't fly. Mr. Poillucci stated that the residents should try to work something out with Outback Engineering, since he is familiar with the project. Then go to the Planning Board and make sure that they schedule a meeting for you right now to review the As Built. You can get catch basins cleaned for not too much money and hire a brush cutter. That small effort would go a long way. You do not want to start incurring the snow plowing costs this winter. It could be more than the As-Built. The Selectmen are pointing you in the right

direction. No one can do it cheaper than Outback Engineering. Ms. Ugi said they were told by an attorney that only the Town can go after the developer. Ms. Garbitt explained that the Town can only place a tax lien, since Mr. Bartlett has unpaid taxes. Mr. Arruda of 14 Village Road asked if there will be an investigation. Chairman Powderly stated that the Selectmen will meet with the Planning Board. Selectman Hollenbeck added that the Board has requested clarification language from Town Counsel to insure that this does not happen again. Ms. Garbitt noted that the Rules and Regulations for the Planning Board are separate. It is up to the developer what type of bond he wants to put up. It can be a bond, cash or a Tri-Party Agreement. A Road Maintenance Bond is a one (1) year bond, but the Town is not notified of expiration dates. A Performance Bond has an annual premium. There is no leverage for the Planning Board if the developer does not pay it. Mr. Arruda asked why the bond was given back. Chairman Powderly stated that the Selectmen do not know. The Board wants to get together with the Planning Board to ask some questions as well.

Selectman Hollenbeck stated that the residents have to come to the STM on the 17<sup>th</sup> to vote. STM can vote no. A conversation occurred regarding what the process would be for the cleaning up of the catch basins and the detention pond. Ms. Garbitt responded that if they hired someone to do the work, the Town would send Mr. Peck to inspect it. Selectman Burke suggested that Attorney Ryder be contacted to work out the details of access. Ms. Bradley asked for the information regarding the work that must be done. Ms. Garbitt said she would provide her the information. Ms. Garbitt stated that the Selectmen will vote to lay out the roads on November 3, 2014. Lisa Gallagher of 7 Village Road asked if the road is not accepted at the STM, does that mean that fire or emergency vehicles will not come down the roads. Chairman Powderly stated that if the acceptance fails at Town Meeting, the residents will have to pay for the roads to be plowed, since the roads would still be private property.

Ms. Gallagher asked if the residents could be contacted individually about this going forward. Selectman Hollenbeck asked that there be one (1) contact person that the Board could send the information to. A resident said shame on the Town with this black hole about this. Until Christy Smith walked by me and told me, they were clueless about the entire deal. Collectively in your experience, would you agree an error was made on behalf of the Town? Chairman Powderly responded that certainly there was. Chairman Powderly added that he felt that the residents have to pack the STM. Ms. Garbitt responded that the time frame is 120 days to record all the easements. Attorney Ryder will take care of recording the easements. Ms. Gallagher asked if the Town has exercised every possibility about errors and omissions? Selectman Burke responded that the Board intends on doing that, but right now we are putting our energy on how we get this road accepted. Mr. Gallagher asked if there is a suit by the Town, would the residents reimburse us. Selectman Hollenbeck responded that the Board will explore all options. Mr. Gallagher said he wants to know that if the Town gets compensation for this that we get reimbursed for what we paid. We appreciate you moving forward on this, but this is not our fault. Chairman Powderly stated that the Town will not sue someone for you. Ms. Ugi said the Planning Board will be speaking about this on the 20<sup>th</sup>.

**8:00 PM Meet with the Town Clerk to discuss transition plan for the Town Clerk's retirement**

*Janet Tracy, Town Clerk, was present for the discussion.* Ms. Tracy thanked the Board for meeting with her to discuss the transition plan regarding her retirement. She stated that she would like to appoint Lillian Drane as the Acting Town Clerk. This would be effective December 31, 2014 and be in effect until the Town Election in April of 2015. Ms. Tracy would also like to get approval to hire a Temporary Full Time Clerk from December 2014 to June of 2015. That person would work part time in December to get affiliated with the computer systems, and then begin full time in January. The position would need to be posted for a week in-house, then go public if no in-house applications are received. Ms. Tracy said the pay range is \$13.74 to \$14.70 an hour. Also, Ms. Drane would be paid the base pay of the Town Clerk, since she will be Acting Town Clerk as of the first of the year. Ms. Garbitt stated that the Board needs to vote on the Temporary position. Chairman Powderly asked what would take place after the election. Ms. Tracy responded that the Temporary Clerk would stay in place until an Assistant Town Clerk is appointed.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the Job Description and Pay Scale for a Temporary Full Time Clerk in the Town Clerk's Office.  
Unanimous in favor.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the transfer of the remaining salary for the Assistant Town Clerk to the Temporary Full Time Clerk, effective, January 1, 2015.  
Unanimous in favor.

**Discuss FY14 Regional Assessment Certification for the School District's Auditors**

Ms. Garbitt stated that the Town Accountant fills out the Regional Assessment Certification for the School District's Auditors. She would like to know, since there is an amount owed, if it should be included. Selectman Hollenbeck stated that it is not a finalized number or amount that is owed. In July 2014, the final State Audit was released. It resulted in an over assessment, and the Town requested a reassessment. Fred Baker, Regional School Financial Officer, reviewed it and determined that it was over assessed, so it is still not resolved. Chairman Powderly stated that he is glad that Mr. Baker realizes that Lakeville is owed the money. However, the Town cannot call it a receivable until there is a meeting with the Regional Finance Committee and they vote to repay the Town.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To direct the Town Accountant to include the language.  
Unanimous in favor.



### **Review and vote to approve State Election Warrant for November 4, 2014**

Selectman Burke read the State Election Warrant into the record.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the State Election Warrant for November 4, 2014 as read.  
Unanimous in favor.

### **Review Site Plan – 105 Kingman Street**

Chairman Powderly said the Planning Board has sent a Site Plan for the Selectmen to review. This is an addition to the Baystate Building. Ms. Craig noted that the Planning Board has already voted to sign the plans.

### **Revisit #2 Fuel Oil bid – East Coast Petroleum**

Ms. Garbitt provided an update regarding the East Coast Petroleum Fuel Oil Bid. The Town has not been able to find anyone for references that uses East Coast Petroleum for repair work. Based on that fact, she did not feel that it was in the Town's best interest to award the bid to them. She recommended that the Board award the bid to Standish Oil for the repair work. Ms. Craig said that she has spoken to the Sales Manager and asked for references regarding the Service Department. They could not supply any. Freetown uses them for oil delivery, but not service. Ms. Garbitt explained that there are requirements in the bid specifications which must be met, such as automatic delivery. If the Town runs out of oil and has to call another company in, East Coast Petroleum would be charged.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To award the bid for Oil Delivery to East Coast Petroleum (\$.1700) and the Service Contract to Standish Oil Co. Inc. (\$75 per hour heat, \$80 per hour air conditioning).  
Unanimous in favor.

### **Discuss request from BBP, Inc. dba Muckey's Liquors and Gulf Resources, Inc. to amend Sunday operating hours**

Chairman Powderly said that BBP, Inc., dba Muckey's Liquors and Gulf Resources, Inc. have requested the expansion of their Sunday operating hours to open at 10:00 AM.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the requests from BBP, Inc. dba Muckey's Liquors and Gulf Resources, Inc. to amend their Sunday Operating Hours to begin at 10:00 AM.  
Unanimous in favor.

**Request from Planning Board to appoint Sylvester Zienkiewicz to the Master Plan Implementation Committee**

Chairman Powderly read the request from the Planning Board to appoint Sylvester Zienkiewicz as their representative to the Master Plan Implementation Committee.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the appointment of Sylvester Zienkiewicz as the representative of the Planning Board to the Master Plan Implementation Committee for a term to expire July 31, 2015.  
Unanimous in favor.

**Request for One Day All Alcohol Liquor Licenses – October 18, 2014, November 8, 2014 and January 17, 2015 – Ted Williams Camp**

Chairman Powderly said the Board had received requests for One Day All Alcohol Liquor Licenses for the Ted Williams Camp for October 18, 2014; November 8, 2014 and January 17, 2015.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To approve the requests for One Day All Alcohol Liquor Licenses at the Ted Williams Camp on the following dates: October 18, 2014 from 7:00PM to 12:00 AM for a Birthday Party; November 8, 2014 from 6:00 PM to 11:00 PM for a Cast Party and January 17, 2015 from 1:00 PM to 6:00 PM for a Birthday Party.  
Unanimous in favor.

**New Business**

Ms. Garbitt stated that at the last Selectmen's meeting, the Selectmen voted to schedule the Special Town Meeting, but they need to open and close the warrant. The warrant is typically open for a week.

Upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To open the Special Town Meeting Warrant and to close it on October 13, 2014 at 5:00 PM.  
Unanimous in favor.

Ms. Garbitt added that there will be approximately 8-10 articles on the Special Town Meeting Warrant. Mark Reich will be representing Town Counsel. The Regional Finance Committee has been contacted about scheduling a joint meeting; however, they are having scheduling difficulties. Chairman Powderly noted that the meeting needs to take place as soon as possible.

## **Other Items**

1. Memos from Planning Board regarding rezoning articles for the November Special Town Meeting
2. Letter from Linda Noyes and Noelle Rilleau regarding neighbor burning trash
3. Up to date donation list for Animal Shelter
4. Notice of MMA Fall Conference for Selectmen – October 25, 2014
5. MassWildlife News
6. FCC Form 1240, Annual Update Form and Form 1205 – Comcast

At 9:27 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to potential litigation, if an open meeting may have a detrimental effect on the litigating position of the public body, and the Chair so declared; and pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to collective bargaining, specifically the Firefighter's Union, if an open meeting may have a detrimental effect on the bargaining position of the public body, and the Chair so declared; and pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to pending litigation, specifically the Jenkins v. Esposito Land Court Complaint, if an open meeting may have a detrimental effect on the litigating position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21(6) to consider the purchase, exchange, lease or value of real estate, if an open meeting may have a detrimental effect on the bargaining position of the public body, and the Chair so declared.  
Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman Hollenbeck -Aye.

**List of documents provided at the October 6, 2014 Selectman's Meeting**

1. Letters from the Police Chief regarding commendations, adding a full time Dispatcher, rescind and appointment and making another appointment.
2. Letters of interest from Pietro Panettieri and Derek Maxim for vacancy on the Board of Health, letter from the Board of Health regarding status of their vehicle.
3. Board of Health vehicle and mileage reimbursement history
4. Timeline for Woodland Ridge Subdivision for acceptance as Town ways
5. Request from Attorney Ryder regarding acceptance of Woodland Ridge Drive and Village Road as Town Ways
6. Public way layout and acceptance procedural checklist
7. Memos from Jeremy Peck and Christopher Peck regarding status of Woodland Ridge Drive and Village Road
8. Letter from Town Clerk regarding transition plan for Town Clerk and Assistant Town Clerk
9. Town of Lakeville Temporary Full-time Clerk Job Description
10. Classification and compensation plan for non-exempt and non-benefit eligible non-union employees
11. Regional Assessment Certification for the School District Auditors
12. State Election Warrant for November 4, 2014
13. Fuel #2 oil bid award
14. Site plan for 105 Kingman Street
15. Requests from BBP, Inc. DBA Muckey's Liquors and Gulf resources, Inc. to amend Sunday operating hours
16. Memo from Planning Board to appoint Sylvester Zienkiewicz as their representative on the Master Plan Implementation Committee
17. Applications for One Day All Alcohol Liquor Licenses at Ted Williams Camp for October 18, November 8, 2014 and January 17, 2015