

SELECTMEN'S MEETING
Monday, October 19, 2009

On October 19, 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 7:00 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 Carole Copeland Thomas

Carole Copeland Thomas was present for the discussion along with State Representative John Quinn and State Representative Steve Canessa. Chairman Maksy explained that on October 11th, damage was done to part of the Lakeville Country Club, which was considered to be a hate crime. This type of thing is not acceptable, and the Board had asked Ms. Copeland-Thomas to come in to discuss what can be done to counteract this.

Ms. Copeland-Thomas said she wanted to discuss how to use this unfortunate incident as an educational experience for the Town. She is a Lakeville resident and has been a Diversity Specialist/Professional for approximately 22 years. She started a multi cultural symposium series last year and works with a lot of large and small companies and organizations. To have this happen in her own Town was a telling message, even if someone is just angry at a particular person or a situation. The fact that Lakeville does not tolerate this kind of hate needs to be stressed. Ms. Copeland-Thomas said we have an ideal opportunity to put ourselves in a leadership role and to do something about the situation. The Town does not condone this type of behavior, and we will not in the future. She has a multi cultural conference that was already planned next week and has invited some of the Town Officials to attend. She extended the invitation to Representatives Quinn and Canessa as well. Ms. Copeland-Thomas recommended that the Town have some kind of rally against hate crimes. If the Town does not address this, people with no knowledge of Lakeville will think that this is a pattern.

Representative Canessa stated that Ms. Copeland-Thomas is extremely well versed given her work experience on this topic. He said this is a reminder that we must watch what we do because we are responsible for our actions. Representative Quinn stated that this is an opportunity to promote the great aspects of Lakeville by reaching out to people. Representative Canessa added that this is not indicative of the atmosphere of Lakeville or its townspeople. This came as a real shock to him as he is a Lakeville native. Selectman Yeatts stated that she was out of Town when this occurred and though shocked, felt it was a prank. It did not look like an adult did this. She has been a resident of Lakeville for 30 years, and Lakeville is not like that. Selectman Evirs stated that it saddens him to think that people might think of Lakeville differently. Our previous reputation has always been that there were no barriers, we all are one. This surely is a moment to educate others that this is not Lakeville. Chairman Maksy stated that Gary Mosca, the golf course owner, went and changed the damage into a heart. He wished that the media had publicized that. He felt that holding a rally would be good and he would work with Ms. Copeland-Thomas on setting it up. Selectman Yeatts asked Laurie Hunter, Principal at Assawompset School, if there had been any reactions from the students. Ms. Hunter responded

none that she was aware of. The school allows the students to bring these types of matters up to the staff. If anything is brought up, it is used to teach about what is diverse about us and how we can appreciate one another. Ms. Garbitt stated that she spoke with the Superintendent of Schools, and he felt it was a good idea that Ms. Copeland-Thomas contact him regarding speaking at Apponequet.

Representative Canessa then spoke a bit on the budget. The State budget has experienced a shortfall of approximately \$600,000,000 over the first two (2) quarters of this fiscal year, and the Governor will have the expanded 9C power to cut budgets. He felt that private business will come out of this recession a little quicker than the public sector. We need to do the best we can to make this easier and prevent catastrophes. This year was pretty bad, the worst that we have seen and it does not look like next year will be any better. So we need to keep our sites set on what may possibly happen. Representative Quinn stated that two (2) things make this much worse for the upcoming year. The rainy day fund that was at a high of \$3 billion is now at \$300 million. Representative Canessa explained that the time for complaining about this has past. We have to find a way to fix it and find the best way to get through a bad situation. You should continue to be aggressive in applying for Federal stimulus money. Selectman Evirs mentioned that the Local School is taking an awful big hit. The Town is looking everywhere for funding. Chief Sorel is fearful that he will only have one (1) officer on the road and at times, it will only be one (1) officer just manning the phone. The Town is using all of its rainy day money as well. Representative Canessa explained that they believe in strength in numbers, but we have beaten the drum on Local Aid for primary funding. He and Representative Quinn share three (3) communities and are constantly advocating for their communities. Having grown up in Lakeville, he knows how important it is to have the funding for Police, Fire and for the Schools. Representative Canessa said from what the legislators have heard from independent experts and the Massachusetts Taxpayers Association, if we start to turn out of this recession this year, the public sector will not get back to “normal” until 2012 and that is being generous.

Request for Storage Trailer Permit – Morse Sand and Gravel

Chairman Maksy said the Board had received a Storage Trailer Permit application from Morse Sand & Gravel for their Fern Avenue property. Ms. Garbitt said that Boston Sand and Gravel has a project in New Bedford, and they asked Morse Sand & Gravel to supply some of the concrete. Morse does not use the same chemicals as Boston Sand and Gravel, so they need to place a storage trailer on site to store the chemicals. The trailer will also need to be heated. They have been issued electrical permits, since the electric service going into the site needed to be upgraded. Chairman Maksy stated that the trailer had been installed and wired as Morse did not know they needed a permit. The Building Department received a complaint from a resident about the trailer being installed without a permit. Robert Iafrate, Building Commissioner, inspected the site and found that the trailer had already been put in place. Morse was unaware that a permit was needed. He found that the trailer was too close to the setback and requested that it be relocated, which it has. Selectman Yeatts asked what would be stored in the trailer. Selectman Evirs stated that the Town has not asked to know what is stored in the containers when people have applied for permits in the past. Chairman Maksy agreed, but maybe the Board should make it a condition of the by-law to know what is stored in the containers. Ms. Garbitt stated that in most cases, the applicant puts on the application what they need the trailer for, like

furniture, etc. Selectman Evirs said there are also a lot of un-permitted storage containers out there as well. Selectman Yeatts stated that the Town has been catching up on those.

Paul McGillis of 6 Daniel Road asked for a list of the chemicals that will be in the trailer, if the permit is approved. Morse is a non-conforming business and so it is prohibited from any expansion. They have already expanded it, installed the trailer and had it wired. He did not know why Town Officials were not aware of this. He did not understand how Mr. Iafrate could issue a permit for the trailer to be wired when it does not have a permit to be there in the first place. He did not feel that Town officials were watching and protecting his family, especially since they are driving by the site to do inspections on the apartments next door. This would be an expansion of a non-conforming business. The court ruling said if they did the activity in the past fine, but this is something that they did not do in the past. They should have to go in front of the Zoning Board and ask for a Special Permit.

Chairman Maksy told Mr. McGillis that to his knowledge, the trailer cannot be used as an accessory unit to manufacture and this is only for storage. The Board cannot grant anything more than a storage unit. Selectman Evirs stated that they are just storing the chemicals in there; they are not putting an office in there. Selectman Yeatts was concerned about the chemicals being stored in the trailer. Selectman Evirs stated that the Fire Chief would be involved and would request Material Safety Data Sheets (MSDS) for the material stored in the trailer. Ms. Garbitt stated that Morse estimates that the project will take approximately a year and a half. David Fields of Race Course Road asked if there are two (2) trailers. Selectman Yeatts stated that there is only one (1). They are only storing chemicals in the trailer, not mixing them. Mr. Fields said there are chemical mix trailers that are rubber tired and are used to pump the chemicals into the material. Chairman Maksy stated that the Board can only grant a storage container permit and that is what they applied for. Selectman Yeatts stated that if they are planning on mixing chemicals in the trailer, then we need to let them know they need to do that somewhere else besides the storage trailer. Mr. McGillis asked if he should have confidence that someone will enforce what will be stored inside it when no one did anything when the trailer went in. Chairman Maksy stated that to be honest, there is only so much that the Building Commissioner can do. The Board will definitely let Mr. Iafrate know that we want him to enforce what is being stored in there.

Doug Mills of 334 Bedford Street said he could not imagine that there will be any chemicals there that will hurt anyone. Selectman Yeatts stated that the Board has never denied anyone a storage trailer, but needs to be careful that it does not expand their business. Selectman Evirs agreed. Ms. Garbitt stated that the Fire Chief has reviewed this application. He would be receiving the MSDS sheets annually from Morse. Chief Hopkins said he was satisfied with the chemicals that would be stored there. Chairman Maksy asked if the Fire Chief could be asked to go and look at this if it gets approved. Ms. Garbitt said she would ask him. Chairman Maksy stated that he did not mind a storage container as long as it meets the setbacks. Selectman Yeatts explained that residents reporting storage trailers are how the Board has found out about other trailers. Michael Horton of 39 Freetown Street asked what would be the downside to denying the permit. Ms. Garbitt stated there could be legal costs if they appealed the decision. Selectman Yeatts stated that she did not think that the chemicals would qualify as a HazMat site. Chairman Maksy stated that there is also a lot of liability on the company's side, if there is a

problem and they have not divulged everything. Mr. McGillis said they are considerably upgrading their electrical service. Why are they doing this for a storage trailer? Selectman Yeatts stated that they are going to an underground service. Selectman Evirs noted that it is 400 amps. They are using the same size conductors. Ms. Garbitt stated that it was suggested by Middleborough Gas & Electric (MG&E) that they should upgrade the service. MG&E would not service the electrical system in its previous condition. Mr. McGillis asked if that counted as an expansion of the business. Chairman Maksy said they would not need a Special Permit for the upgrade of electrical service. Mr. McGillis said an electrical permit was issued for a structure that was not supposed to be there. Chairman Maksy said you cannot deny an electrical permit. Mr. McGillis asked if they could be limited to no machinery inside of the trailer. Selectman Evirs stated that they did not request any machinery.

Justin Graham of 7 Violet Street said he was concerned about someone applying for a permit for a structure that is already there and then to have it immediately approved. He thought that perhaps Morse should have been required to go back to the Zoning Board of Appeals. Ms. Garbitt stated that usually when the Town has found out that something has been built without a permit, we double the fees. Chairman Maksy noted that the Board has not done that for other storage trailer permits. Mr. Graham said maybe there should be some sort of repercussion that if you do this without a permit, you have to pay additional monies. Darlene Donnelly of Main Street said there is a first time for everything and you should double the fee.

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

VOTED: To approve the Storage Trailer Permit for Morse Sand & Gravel with the following conditions: the trailer will be used for storage only of concrete ad mixtures, the Fire Chief will be notified if there is any change in amount or type of chemical and that any MSDS sheets are kept current with the chemicals.
Unanimous in favor.

Discuss Local School Department FY10 Budget shortfall

Laurie Hunter, Principal of Assawompset School, David McQueeney, Chairman and Charlene Shea, Lakeville School Committee members and Anne St. Pierre, Special Education Director were present for the discussion. Ms. Garbitt stated that she has been working with the Department Heads for the upcoming Special Town Meeting. She has not finalized the numbers as of yet. As soon as the figures are finished, she will let the Board know the amount, but the School Department has a shortfall of \$64,116. Chairman Maksy added that there is also the cost to replace the back stop, which was damaged by a falling tree. That is \$1,000. Ms. Hunter mentioned that that the PTO and the Little League had raised the funds for the original backstop. Ms. Garbitt stated that the insurance policy has a deductible of \$1,000. Ms. Hunter stated that the backstop is a safety issue, the tree came down today. The pipes are bent and it is not repairable. The Little League uses it during the spring, and the kids use it during the day. Chairman Maksy stated that the Board should decide on that first. Ms. Hunter stated that she has been advised to go back to the PTO and the Little League to see if they would be able to fund the repairs. Selectman Evirs stated that the Town needs to make it safe. The Highway Department can saw the pipes down and roll up the fence. Ms. Hunter stated that it has been barricaded off

for right now. Chairman Maksy stated that he would like to get a price from a fence company and find out the best way to make it safe. Selectman Evirs said lets make it safe until the spring and then look at it again.

Ms. Garbitt stated that she would like to have a separate budget meeting once we have determined what is needed. If there are any additional cuts, the Town may not be able to bring back a teacher. The Governor is supposed to make an announcement by October 30th. The Massachusetts Taxpayers Association feels the deficit is more like \$1 billion. Ms. Garbitt stated that there is a \$61,000 deficit in Special Education, as well as, Snow and Ice. Chairman Maksy asked what the options were with the \$64,000 deficit. Ms. Hunter stated that she has no where to go but to lay people off. Selectman Yeatts stated that we do not have the final line right now, so we cannot say where to take it from. Selectman Evirs mentioned that the Board does anticipate some surplus monies, but they will go to the Special Education deficit. We were supposed to have received the report by October 1st on the out-of-district tuitions to find out if we allocated too much or not. We have not received it, so there is still no answer to the \$64,000 question. Selectman Evirs said we cannot get back to the School Committee until the end of the month regarding this.

Update from Selectman Yeatts regarding Taunton Intermunicipal Agreement and Taunton Water Line Extension

Selectman Yeatts said under section 305 and 306 of the draft Intermunicipal Agreement (IMA) with the City of Taunton, Taunton had some changes. They are working on them with Town Counsel and the City Solicitor, but that does not really have so much to do with us. Everything else is what we agreed on. The IMA gives us permission to charge above and beyond what Taunton charges. It does not have to be in here, we already have the ability to do this. Selectman Yeatts said she would contact Dick Tracy from the Dighton Water District to find out how they do it.

Selectman Yeatts reviewed the handout with the Board, which discussed user fees and betterments. The Town cannot implement these fees until the Town has a Water Commission. She referred to the second page of the handout. We would receive the bills from Taunton and then add our surcharge onto them. The Town would need new software and part time staff in the Treasurer's Office so that Lakeville will be able to process the billing and collections. For every penny we add per unit equals \$43,000. That does not count the betterment fees, but that is another process. The Town will make the first payment in FY11 on the water tower and that is only nine (9) months away. If we implement these fees, these could be used for the second payment while the Stimulus Money will be making the first payment. The Town will get the wholesale rate when it gets the master meter. We would amend the IMA when we master meter, but this we can do on our own. Selectman Evirs said he would like to see what Dighton does before we agree on what we will do. Selectman Yeatts stated that the Town has the ability to put a lien on customers for non-payment. Taunton cannot do that. Selectman Evirs asked if residences would pay quarterly bills and businesses would pay monthly. Selectman Yeatts stated that they said we could have the meters read quarterly. Selectman Evirs stated that we would want to keep the businesses monthly. Selectman Yeatts stated that the Board needs to vote on this. Taunton is questioning Items 304 and 305, not us. Ms. Garbitt mentioned that this

still has not gone to City Council. DEP has set a deadline of October 30th. Selectman Evirs stated that the Board should get the IMA modified first, and then if we have to schedule a meeting, then we need to schedule a meeting. Ms. Garbitt stated that the City Solicitor is reviewing it. If he has issues, it will come back to this Board before it is presented to the City Council and the Mayor.

Discuss scheduling Special Town Meeting

Chairman Maksy said that the Board needed to discuss setting a date for the Special Town Meeting and to vote to open the Warrant and set a closing date.

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

VOTED: To schedule the Special Fall Town meeting for November 30, 2009 at the Apponequet High School at 7:00 PM.
Unanimous in favor.

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

VOTED: To open the Warrant for the Special Town Meeting and to close it at 4:00 PM on October 26, 2009.
Unanimous in favor.

Selectman Yeatts stated that she has heard that there is a petition going around to rezone three (3) parcels on Main Street to Business since the attempt to rezone a part of Main Street and Bedford Street to Neighborhood Business failed. The petition included the Historic Library and the Assessor's Office properties, which are owned by the Town. She said she had spoken to Town Counsel and Don Foster from the Zoning Board of Appeals (ZBA) regarding going before the ZBA for a variance. Selectman Evirs stated that the ZBA cannot grant a use variance. The simple way is to rezone the property. Darlene Donnelly said that the Town does not have to meet zoning requirements. There is a coffee shop in the Historic Library; that is why people felt that area was already zoned business. Chairman Maksy stated that the Town may need to rezone this area to put the Town in compliance. Selectman Evirs stated that if the property is being used for a business, then it should be zoned business. He felt both properties would be worth more to the Town if the zoning was changed to business.

Selectman Yeatts stated that she has no problem with what Ms. Donnelly is doing on her property, but she did not want to see that area zoned business across from the Elementary School. Chairman Maksy stated that he did not know what the Town has to do to be part of a petition. We may need to find that out so that it does not backfire on Town Meeting floor. We will ask Town Counsel how we go about rezoning Town properties. Selectman Yeatts stated that she would think the Board of Selectmen would be the decision maker on whether to rezone the properties, but we do not know so we need to find out. Selectman Evirs noted that it can be as simple as including the Town property on the petition or to amend the article on Town Meeting floor and take those properties off.

Chairman Maksy stated that he personally would like to get a handle on the zoning of the property that is presently the coffee shop. It is not a Town business, but it is on residential property and being operated as a business. Ms. Garbitt stated that when she receives the petition, she will forward it to Town Counsel to review.

Vote to place Demolition Lien on 9 Violet Street

Ms. Garbitt stated that the property at 9 Violet Street is currently in tax title foreclosure. The property was deemed unsafe and a danger to the public and was demolished on April 30, 2009. In order to place a lien on the property, the Board needs to vote a Statement of Claim for the expense of the demolition. The amount is \$1,770.72. The Town is not going to sell any property in the Clark Shores area since there might be a need for a pumping station for municipal water and that land may be needed. The opening bid would include all back taxes and legal fees that the Town would need to recoup if it did go to public auction.

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

VOTED: To approve a Statement of Claim for the expense of demolition (\$1,770.72) at 9 Violet Street.
Unanimous in favor.

Appointment of Liaison to State Ethics Commission for the Conflict of Interest Law

Ms. Garbitt said that the Board needed to appoint a Liaison to the State for the new Conflict of Interest Law. The law went into effect on September 29, 2009. The test must be taken by Town employees and officials by April 2, 2010. She said that in discussing this with other Towns, most of the Towns have appointed the Town Clerk. Selectman Evirs said that it needs to be an upper level employee, and if so, is the Town Clerk an upper level employee. Ms. Garbitt clarified that it would not be the person, it would be the position. Ms. Garbitt will check into this and place it back on the agenda.

Discuss revision of The Broken Tee Virtual Golf Club seating capacity for liquor license

Ms. Garbitt said that the Board had previously issued the liquor license for The Broken Tee for a capacity of 26 seats. The Board of Health had only approved a seating capacity for 16 seats for The Broken Tee. When the Board granted the liquor license, the rest of the property was vacant. Since the time that the liquor license was granted, a pizza restaurant has applied to the Board of Health to open. The Board of Health has determined that the building has a total occupancy limit of 30, based on the septic system. With the current seating capacity for The Broken Tee, that would only leave four (4) seats for the pizza restaurant. The Board of Health suggested that the Selectmen could reduce the seating capacity for The Broken Tee to 16, leaving 14 seats available for the pizza restaurant. Mark Kitchen, the owner of The Broken Tee, is in support of the reduction as he stated in his letter to the Board.

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

VOTED: To amend the liquor license of The Broken Tee Virtual Golf Club from 26 seats to 16 seats since that is the seating capacity approved by the Board of Health.
Unanimous in favor.

Announce Fire Department Federal Stimulus Grant

Chairman Maksy announced that the Fire Department was awarded \$21,645.00 to restore six (6) Call Firefighters to active duty. The reinstatement will take place in November and last for one (1) year. Even with these funds, it will only bring the Fire Department back to 75% strength compared to the last fiscal year.

Discuss appointment of Municipal Representative to Old Colony Negotiating Subcommittee

Chairman Maksy said the Board received a letter, asking if they wanted to appoint a municipal representative to the Old Colony Negotiating Subcommittee. Ms. Garbitt noted that the Old Colony School Committee members from Lakeville are already involved and will keep us up to date on negotiations. However, they are asking if we would like to send a municipal representative as well. Selectman Yeatts suggested that perhaps the Board should have an Old Colony parent volunteer. Ms. Craig mentioned that every Town does not get to have a representative on the subcommittee. They elect one (1) representative from the group of municipal representatives from the various Towns. The first meeting is on October 26th and they would elect the representative at that time. Selectman Evirs pointed out that the meetings are on Monday nights when the Selectmen meet. Chairman Maksy noted that they meet at 6:00 PM.

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

VOTED: To appoint Derek Maksy as the Municipal Representative to the Old Colony Negotiating Subcommittee.
Unanimous in favor.

Revisit fees for Curb Cut Permits

Ms. Garbitt told the Board that she had Ms. Craig perform a survey of local communities asking if they charged a curb cut fee and if so, what it was. Chairman Maksy noted that there is work involved, specifically for the Superintendent of Streets, when a curb cut is issued. Selectman Evirs said this is part of the job and applicants are already paying a lot of fees as it is. Ms. Garbitt noted that some communities charge a fee for curb cuts. Selectman Yeatts suggested that there be no fee for curb cuts and the Board members agreed.

Request for Curb Cut – 18 Race Course Road

John Scanlon, Builder, is present for the discussion. Ms. Garbitt stated that she received a letter from the Superintendent of Streets regarding the curb cut request for 18 Race Course Road.

The house is on the corner of South Kingman Street and Race Course Road. Right now the driveway is on Kingman Street and the owner would like to move it over to Race Course Road. Race Course Road is not as busy traffic wise as Kingman Street. Chairman Maksy said the Planning Board will discuss this tomorrow night. Mr. Scanlon stated that the house is not built yet, but since Race Course Road is a new road, he would direct the construction traffic in and out onto Kingman Street. The front of the house will face Race Course Road.

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

VOTED: To approve the request for a curb cut at 18 Race Course Road, subject to any conditions from the Superintendent of Streets and approval from the Planning Board.
Unanimous in favor.

Revisit Town House/Town Office Building Property Use Policy

Ms. Garbitt stated that she felt that the Board basically agreed on the majority of the policy, except for the insurance. We did have Town Counsel add in equal access and review the rest of the policy. Chairman Maksy stated that the hold harmless agreement should be signed by everyone either way. Selectman Evirs agreed. However, he will still not agree and probably will never agree to waive the insurance. Every organization out there should have insurance. They should be concerned about the services that they are supplying since they are exposing themselves. Selectman Yeatts noted that takes away the ability of the regular citizen to use the Town House to raise money for someone who might be ill or is an exchange student. Selectman Evirs pointed out that they could hold those events at a private business. Patricia Welch of 7 Violet Street said her daughter is the national spokesperson for One Warm Coat, which collects coats for the needy. She would be able to provide insurance; however, if a private citizen wanted to do a coat drive or a food drive, this would prevent them from doing so. Selectman Evirs stated that it is a terrible thing, but it is the world we live in, and we have an obligation as Selectmen to protect the Town. What if there is something in one of the coats, like a razor blade or hypodermic needle, and someone is injured. Who would be responsible for that? Someone would sue the person who applied for the event and then that person would turn around and look at us, since it is a municipal building. There are other organizations and businesses that could be approached to allow the use of their property.

Selectman Yeatts stated that she did not like the fact that this policy gives us the choice of choosing who we like or who we do not like. Chairman Maksy stated that the Board picks and chooses now mostly based on availability. Selectman Evirs stated that if the Board approves this now, then everyone that the Board has approved will have to conform to this since we included "subject to any use policies that may come into effect" in the motion to allow them to use the property.

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

VOTED: To accept the Town House/Town Office Building Property Use Policy.
Two in favor with Selectman Yeatts abstaining.

Request to use Town House – Apponequet Boosters – Annual Christmas Tree Sale

Chairman Maksy asked if the Town has the insurance certificate from the Boosters. Ms. Craig responded that she has not received it yet. She has spoken to Joanne at the Region's Business Office, who told her that once they leave the Region's property they are not insured. Chairman Maksy asked that the insurance issue be investigated and to place this back on the agenda next week. Selectman Evirs added that the Boosters should also be made aware of the provisions that are now part of this policy.

Request to use Town House – Lakeville Arts Council – Made in Lakeville Event

Chairman Maksy said the Board had received a request from the Lakeville Arts Council to use the Town House for their Made in Lakeville Event on December 12, 2009. Ms. Craig noted that the Apponequet Boosters had already reserved that date as a rain date for their Christmas Tree sale. She has been in touch with the Lakeville Arts Council and the Apponequet Boosters and both are perfectly fine with sharing the site. Ms. Craig said the Library, the United Church of Christ and the Senior Center are all holding holiday events on that date. Selectman Evirs noted that the Lakeville Arts Council is a Town entity, and they do not have to sign the hold harmless agreement, but need to acknowledge the new Use Policy.

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

VOTED: To approve the request of the Lakeville Arts Council to use the Town House on December 12, 2009 as part of their "Made in Lakeville" Event and to approve the signage as requested in their letter.
Unanimous in favor.

Request to use Town House & Dickran Diran Square – Lakeville Arts Council – 6th Annual Arts & Music Festival

Selectman Yeatts read the request from the Lakeville Arts Council to use the Town House and Dickran Diran Square into the record. Selectman Evirs stated that the Arts Council will need to fill out an application form from the new Use Policy. Even organizations that have already been approved should fill out an application and have the Use Policy attached.

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

VOTED: To approve the Lakeville Arts Council 6th Annual Event for October 2, 2010 and to send them a copy of the new Use Policy.
Unanimous in favor.

Review and vote to approve Selectmen's Meeting Minutes: October 5, 2009

The minutes were tabled so Selectman Yeatts could review them more thoroughly.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that she received a copy of the contract for the Teachers and the other union contracts are almost complete. We need them all before we go to Special Town Meeting.

Ms. Garbitt handed out a letter from the Fire Chief about the new ladder truck, which is now in service. All of the testing has been completed and all necessary services and repairs performed. They did rebuild the main wiring harness, but that was covered by our insurance. The Town only had to pay the \$500 deductible.

Ms. Garbitt told the Board that Lakeville's Green Communities application was approved. Blue Wave Strategies will be our consultant and will work with us to bring us into compliance with the Green Communities Act. There will be a Webinar at 10:00 AM tomorrow and she and the Building Commissioner will watch it.

Ms. Garbitt asked if the Board would like to include anything on the Special Town Meeting Warrant about the meals tax. Originally it was thought that the meal tax would generate an additional \$70,000 for Lakeville, but the number is more like \$39,000. As more communities adopt it, people may look to eat in communities that do not have it. It was decided to discuss this at a later date.

Selectman Evirs stated that he read in the October issue of the Beacon that the primary election for the U.S. Senate seat on September 8, 2009 has been found to be an unfunded State mandate. The State will have to fund the primary since they cannot force us to have an election and expect us to fund it. Another article states that municipalities can go two (2) more years out on the mandatory pension plans due to what happened on the stock market last year. These plans depend on the stock market for growth, so you have to be funded at a later time and that would help us to save some money there as well by saving the payment for the pension fund that we are making.

Other Items

1. Thank you letters from Lakeville Arts Council regarding the 2009 Arts & Music Festival
Selectman Yeatts read the three (3) thank you letters into the record.
2. Notice of appointments from Board of Health
3. Letter from Field Engineering regarding Relocation of Route 79
4. Letter from DHCD regarding Chapter 40R Smart Growth Zoning District Certificate of Compliance
5. Letter from Blue Wave Strategies regarding Green Communities Program
6. Letter from DEP regarding Taunton Water Distribution System Modifications
7. Letter from DEP regarding Lakeville Landfill
Chairman Maksy asked if the matter with the DEP and the Lakeville Landfill is all set.
Ms. Garbitt explained that there was an error, but it is all taken care of.
8. Letters from DEP regarding Baby G Farms Release Notice
9. Information from Town Counsel regarding Conflict of Interest Law
10. Memo from Town Counsel regarding Retention of Electronic Mail

11. Memo from Town Counsel regarding Review of Civil Service Bypass Standards & Procedures
12. Newsletter from Epstein & August
13. Letter from Plymouth County Commissioners regarding ARRA Recovery Bond Program
14. Letter from Plymouth County Commissioners regarding parking ticket processing
15. Letter from Plymouth County Registry of Deeds regarding Plymouth County Sheriff's Department
16. 2009 Annual Meeting Invitation – Plymouth County Development Council – October 20, 2009
17. Notice of JTPG meeting – November 4, 2009
18. Notice from SRPEDD regarding Massachusetts FY10 Unified Planning Work Programs
19. Notice of MBTA Advisory Board meeting – October 29, 2009
20. Notice of South Coast Business Expo – October 21, 2009
21. Copy of Transportation Improvement Program FY10-FY13
22. Cranberry Country Perspective Newsletter
23. GATRA meeting notice – October 22, 2009
24. MMA Annual Meeting Notice – January 22-23, 2009
25. MassWildlife News Bulletin
26. Letter from Unison regarding Cell Tower Site
27. Letter from Comcast regarding Price Adjustment
28. Letter from Verizon regarding programming change
29. Letter from Verizon regarding TV Guide Notice
30. Information on Grant Writing Assistance and Energy Efficiency Block Grant Opportunities
31. 2009 Financial Information for MEGA members
32. Notice from Attorney General's Office regarding OUI Notices
33. SRPEDD meeting notice – October 28, 2009
34. Plymouth County Commissioners Meeting notice – October 16, 2009
35. Notice of grant from Pedigree Foundation
36. Proposals to provide Public Health Nursing Services from the Board of Health
Ms. Garbitt stated that the Board of Health received bids to provide Public Health Nursing Services, and the Town of Middleborough was the lowest bidder.
37. Letter from the Lt. Governor regarding the Governor's Budget Announcement
38. MMA Legislative Action Alert regarding FY10 Revenues

At 10:40 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs the Board unanimously:

VOTED: To enter into Executive Session for the purpose of discussing imminent litigation and not return to Open Session. Polled vote of Selectman Yeatts – aye, Selectman Maksy – aye, and Selectman Evirs – aye.