

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
October 25, 2010-7:00 PM

On October 25, 2010, 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 Chair Yeatts at 7:01 PM. Selectmen present were: Selectman Yeatts, Selectman Olivier and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Cindy Dow from the Middleboro Gazette was recording the meeting.

Meet with John Olivieri, Jr. to discuss Three-year Rate Stabilization Agreement

John Olivieri, Jr. was present for the discussion. He suggested that the Town exercise the option of a three-year rate stabilization agreement for property and liability coverage. The insurance market is cyclical, so if the Town does this for three (3) years, then it will be able to keep its rates down. It is the same rate that the Town has had for the past three (3) years. The current loss ratio is below 20% and that information can be provided to the Town Administrator. The Town will be locked in for three (3) years.

Selectman Olivier stated that he understands that the insurance market is very soft, and it will continue that way. He was wondering what the cost would be if the Town went out to bid for this? Ms. Garbitt stated that three (3) years ago the Town did go out for bid. During the past ten years she has gone out to bid three (3) times. There are very few insurance companies that handle municipal insurance. Selectman Olivier stated that he truly believes that the Town could get a better rate if it went out to bid. What is the Board's policy on going out to bid for this type of insurance, since it may be worthwhile in doing so in a "soft" market? It may be worth the effort since the Town might get a better rate. Ms. Garbitt stated that there is some work required on behalf of herself and the School Department since there is a lot of information to gather. Also, the bids are not all the same with their basic boiler plate coverage, it varies. The Town's insurance will not run out until June 30th, it runs according to the fiscal year. Three years ago only MIIA and Massmont responded to the bid. The deadline to lock in with Trident Insurance is November 1st.

Mr. Olivieri stated that there are really only two market places to go to: one is MIIA and Trident. Historically, the insurance firm goes out looking at the market place. The market is soft, but it is not trending soft in the municipal end. It probably does save the town a lot of work preparing all the information to go out to bid. He has extended the deadline once and can probably do it again. Selectman Olivier stated that either way the Town will have two (2) companies competing for the business and so either way one will come out lower. The Town is heading into a very difficult budget season and saving \$1,000 here and there is a help. Chair Yeatts asked what if the rate goes up. Mr. Olivieri responded that if it goes up, it goes up. Selectman Olivier stated that the trend though is that it is going down, and it has not stopped. Selectman Maksy suggested that the deadline be extended at least a week. Selectman Olivier can sit down with Ms. Garbitt to go over the process that will need to be undertaken to go out to bid. Ms. Garbitt stated that she has no problem going to bid since it is early. Usually she is not going

out until after the first of the year. The Board will need to meet on the first of November to sign the warrant articles anyway.

Mr. Orrall stated that it does seem that anything from 2007, when the economy was good, would be cheaper now. It is not just a three (3) year period; it has been a drastic change in all forms of business. Selectman Maksy stated that he has not seen health insurance go down or stay the same in three (3) years. Not everything goes down. Taxes do not go down. The insurance companies are the ones taking the risk, if they will lock the Town in for three (3) years. The rate being offered through Trident is actually a reduced rate from 2007. Selectman Olivier stated that it is a question of how much more you think it is going to go soft. The Town needs to get a rate that will protect it, to a certain extent. Mr. Olivieri stated that with the municipal rates for the Town there is not much room, if any. The Town probably pays \$300 per vehicle for automobile insurance. There are no other commercial accounts that have that type of rate, so there is really not a whole lot of room. It is a matter of taking a gamble.

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

VOTED: To lock-in the three (3) year Town Property and Liability coverage with J.K. Olivieri Insurance Agency for Trident Insurance and to authorize the Town Administrator to sign the paperwork.
Unanimous in favor.

7:15 PM Meet with Judy Costa Tinkham – Middleborough on the Move

Judy Costa Tinkham was present for the discussion. She took the floor and stated that she has been President of the Middleborough on the Move group since 2004. The company is a 5013 c business. The business is for the economic development for the Town of Middleborough. She was present to ask if both Towns can work together and become regionalized on various regional and economic development plans. At this time there are projects going on that are joint efforts between both Towns to the advantage of both. Anna Navalenko is working locally with Lakeville. Ms. Tinkham spoke about an Agritourism Program that they would like to begin. Agritourism is educating individuals about what farms are; the beauty of history, helping the agriculturalist to pay taxes, leases, and for them to be able to keep their land. This concept is being done in all parts of western Massachusetts, New Hampshire and Vermont. A discussion occurred regarding Massasoit Community College. If anyone would like to attend a Middleborough on the Move meeting, it is the first Wednesday of the month. The next one will be at 5:00 PM at Massasoit. They also run a support group at the Middleborough Library for those who are unemployed. This takes place from 12:00 PM to 1:30 PM every Wednesday to help unemployed individuals find a new skill and/or job. Chair Yeatts stated that she and Ms. Garbitt worked with Ms. Navalenko on a Community Development Block Grant and it was funded. There are a number of specialists that will work with the Towns. Ms. Tinkham was thanked very much for coming to the meeting and giving her presentation.

Review request from Board of Health for Town Counsel's assistance for Housing Court

Robert Poillucci, Board of Health member, was present for the discussion. Mr. Poillucci stated that he has spoken with Ms. Garbitt about the need of the Board of Health to gain permission from the Selectmen before talking to Town Counsel. Presently there is a housing case that they are trying to resolve. There is an out of town landlord who is renting a house to a mother with small kids. The septic system is backing up into the house. The mother is pumping the system several times a month. Now she has tried to turn on the heat and it does not work. She is using space heaters. He received an email from Town Counsel that says that she did not have permission to respond to him about this matter. Selectman Olivier tried to clarify the matter. No Department has the authority to go to Town Counsel prior to speaking with the Town Administrator and/or the Board of Selectmen due to the cost involved. The matter needs to be reviewed first to determine if Town Counsel is the appropriate road to take. Selectman Maksy added that the Board did not have the specifics and needed to know what they would be spending the money on in this matter.

Mr. Poillucci stated that under Massachusetts General Law c111, sub section 127A and 127B, and 105 Commonwealth of Massachusetts Regulations 400: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation etc., the Board of Health may commence a court action when other actions to enforce State Codes have not worked and the Town Attorney must file. Nowhere does it say that the Board of Health needs the Selectmen's approval to move forward. If this is going to become a problem, then maybe the Board of Health will need its own attorney and its own budget. The Selectmen have no authority not to allow the Board of Health to go to Town Counsel. Chair Yeatts stated that if Lawrence Perry, Health Agent, needs to go to Land Court, then Town Counsel needs to go with him. The Board of Selectmen did not have the specifics about this matter. Ms. Garbitt is the contact person for all Town Departments and Boards to access Town Counsel since the budget is only \$30,000. The Board of Selectmen is fine with Town Counsel going to Housing Court with the Health Agent. Ms. Garbitt explained that the Legal Budget falls under the purview of the Board of Selectmen. It is authorized by her, but it is up to the Board of Selectmen to approve it. However, the Board of Health has to enforce the Sanitary Code. Chair Yeatts stated that the Selectmen will back up the Board of Health on this matter. Typically the Board likes to get an estimate beforehand from Town Counsel, but the Selectmen are not going to stop the Board of Health from rectifying this matter. Right now the Board of Selectmen would be only approving Mr. Perry to go to Housing Court. Then we will see where it goes from there.

Selectman Maksy stated that Town Counsel must know what the average cost of this type of case is. Chair Yeatts asked if there is a court date yet. Mr. Perry responded no. The Board of Health does not know what the right order of events needs to be to lead up to it. Chair Yeatts stated that the Board of Selectmen can give Mr. Perry a few hours of legal time. Mr. Poillucci asked how the Board of Health would get their own Legal Budget. Selectman Maksy stated that the Board needs to know how much they might need. Selectman Olivier stated that that line item is typically under-budgeted, like the Snow and Ice Account. It can get out of hand very quickly and then we have to go to other Departments to fund it at the end of the Fiscal Year to balance the budget. Mr. Poillucci stated that this is a serious case. This is not up to the Selectmen.

When the Board of Health deems it severe enough to go to court, that is our legal obligation to do so. Chair Yeatts stated that the Board of Selectmen is not stopping them from doing what they need to do. The Selectmen will give Mr. Perry access to Town Counsel for a few hours. That will help us to determine what the bottom line is for cost and if we have it. Selectman Olivier advised him to keep in mind that the budget is very tight. The Selectmen understand why this is being done.

Selectman Maksy stated that the Board cannot fight everyone's civil case for them. If the Building Commissioner needs to evict someone, how far do we go with that. If you have the authority to evict the tenants, then just do it. We will give you a few hours to find out what your rights are and to try and not make a civil case out of it. If you can put an "x" on the building, then do it. Mr. Poillucci stated that the Board of Health does not know, since they have never done this before. Selectman Maksy stated that it looks like a standard document. Mr. Perry mentioned that if the tenants are evicted, then the Town has to pay half the moving costs. The State would reimburse the Town their half, and then the owner would have to reimburse the rest. Mr. Poillucci stated that the Board of Health also has the authority to have the Police work on its behalf as well. Mr. Perry explained that part of the problem was that local Police cannot serve legal papers out of Town. So how would the papers get served? Chair Yeatts stated that is another question to ask Town Counsel.

Request from Regional School Committee for a Special Town Meeting for the Amended Regional Agreement

Jennifer Olivieri was present for the discussion. Ms. Olivieri had gone out and gotten 252 signatures for the petition to hold a Special Town Meeting to discuss full Regionalization again. She stated that the previous Town meeting was so late, she and many others had to leave since babysitters had curfews and the babysitting service at the High School was closing. She would like a chance to vote on the Amended Regional Agreement and that is what the petition is for. Ms. Garbitt stated that all the signatures have been certified by the Town Clerk.

Selectman Olivier stated that he happens to think John McCarthy, Superintendent of Schools, is a breath of fresh air. The Town has had problems with past Superintendents and Directors of Business with the necessary transparency that should be in place to get information from the Region. This seems to be changing with Mr. McCarthy as Superintendent. However, the Finance Committee had a lot of questions that did not get answered at the last public information meeting. Richard LaCamera presented many questions that had not yet been considered regarding Regionalization. The Regionalization came after the Sysco presentation and that was at a late hour. Selectman Olivier had also asked for information like the assessments, which were done by Mr. McCarthy, but it was not provided to anyone. Selectman Olivier said he is for regionalization, but is not happy about the process. Selectman Olivier was willing to move forward with the one man, one vote, since Mr. McCarthy will change the way the kids are educated, but he is not for the one man, one vote anymore. He would like Lakeville and Freetown's representation based off of the population. The agreement that is in place today is not legal. This current agreement has to get tagged onto legislation, and then the Governor has to sign it before the Towns can even move forward with it. This should be based on population. The current agreement could be challenged due to its unconstitutionality. Ms. Olivieri asked if

the Agreement needs to be looked at again before a Town Meeting. It has to be approved by both towns by December 31st. Selectman Olivier stated that the Town has to have a Special Town Meeting since the signatures have been acquired. Ms. Garbitt stated that the Superintendent said that there is case law for a challenge about the current agreement. Chair Yeatts stated that Carolyn Gomes, Local School Committee Member, has scheduled an informational meeting on November 9th from 6:00 to 9:00 PM. Town Counsel will be present. Selectman Olivier stated that Town Counsel also has a problem with the one man one vote as well. Ms. Garbitt stated that if this passes, then it authorizes the Selectmen in both towns to go for special legislation.

Darlene Donnelly of Main Street asked if Freetown votes the Regionalization agreement down, what is the cost to Lakeville for a Special Town Meeting. Ms. Garbitt stated that it would be the cost of Town Counsel to review the warrant and to attend the meeting, the cost of the poll workers, and the advertising, which would be approximately \$1,000. Ms. Donnelly stated that she felt that Selectman Maksy should not have pushed the article through for a vote at the previous Town Meeting. Many people thought it was going to be postponed and started to leave. Also, where are the School Committee Members this evening? They are not here fighting for the kids. Also, why does it need to be scheduled in 45 days? Selectman Maksy explained that the School Committee Members are attending another meeting this evening. Ms. Garbitt responded that the 45 days would be December 3rd but that is a Friday night. Chair Yeatts stated she thought the meeting should be either the Monday before or after Thanksgiving, unless the petition is withdrawn. Ms. Olivieri stated that the petition would only get withdrawn if Freetown votes against Regionalization. Chair Yeatts asked what would happen if Lakeville voted in the affirmative. Would that yes hold? That is a question to ask Town Counsel. This has been a work in progress for approximately two (2) years. Selectman Maksy stated that the Regionalization Committee was meeting once or twice a week. Ms. Garbitt stated that when Lakeville voted it down, the process was stopped, so the Regional School Committee had to revote to send it back to the Towns. Selectman Olivier noted that Lakeville voted it down for several reasons and then the Regional School Committee went in and changed the wording of the one man one vote, voted on it and sent it off again. Selectman Maksy stated that the Regional School Committee believes they have met the requirement, but he did not think they had.

William Abrahamson, reporter for The Standard Times, said he lives in Randolph, which is part of a Regional School Committee. They have the one man, one vote and in Randolph, he can vote for candidates for all nine (9) towns, and they send 39% of the kids to that school. Everyone has the same privilege and that is how they elect the School Committee. That has gone on for decades now. If Randolph had 40% of the School Committee, then the whole regionalization would not work since then they could control what happens, and they do pay 39% of the budget. Selectman Olivier stated that financially, looking at Lakeville, Lakeville is taking a hit per student. We should have some say on how that model will work for us. Selectman Maksy stated that Lakeville will, since more Lakeville residents will decide who Freetown puts in there. We have more voting power. Selectman Olivier stated that he would like to see the assessment and he would like to know how this will impact Lakeville. He did not want to see that we will not be getting \$400,000 from the State if we regionalize.

Mr. Orrall stated that with all due respect, this is not Randolph, this is Lakeville. He brought the matter up in the summer that if the one man one vote was done as proposed, we would not be in this bind. He asked for this to be revisited again at Town Meeting. His complaint all along is that there needs to be more work to get information to Freetown and Lakeville. While other towns may do it that way, that may not be the only way. There would be four (4) members each from Lakeville and Freetown. That is what Freetown will vote on next week. If they vote on that, then where do we stand if we go to another Special Town Meeting? If the Agreement was going to change, it would have to change very quickly before Freetown votes on it. Ms. Garbitt stated that the Regionalization Committee did spend a lot of time on the percentages. She believed if it wasn't this way, Freetown would not vote for it. Selectman Maksy agreed or they would have to extend the committee to a 14 member committee to get one (1) more vote due to the percentage of the population. Selectman Maksy said he is all for fairness, but he does not like Lakeville having to campaign in Freetown.

Chair Yeatts explained that the Selectmen had to put this on the agenda to address the petition since the Special Town Meeting would have to be held within 45 days. Selectman Olivier stated that even if everyone could come to some kind of consensus on the one man one vote, he wants to know how much the Town will save on efficiencies of skill, the assessment aspect. The Superintendent stated that he had the figures, but the Board never did get the hypothetical assessment. Chair Yeatts stated that she would also like to know the answers to the questions Mr. LaCamera raised, along with his actual questions. Keiko Orrall of Crooked Lane stated that this is a big agreement with two (2) towns agreeing to something with the information not being forthcoming. She doesn't believe there has been enough time for the public to learn about it. Mr. Poillucci asked if the Board could explain where all the extra money is coming from when we regionalize. Chair Yeatts stated that transportation is reimbursed to a certain percentage, and they will streamline the administration. Mr. Orrall stated that based on the presentation; there were three (3) areas of savings. The following year they believed they would have transportation money to use after the one time money was spent (stimulus funding). The only advantage to bringing the administration together is that they could have more time to work on other things.

Chair Yeatts asked Ms. Donnelly (as a former School Committee member) how she felt about Regionalization. Ms. Donnelly responded that in her opinion, the Town is selling out K-4. She does not think that the Superintendent is doing the right thing right now with money, and the School Committees are weak. The School Committees should be fighting for the schools. Selectman Olivier explained that it is more than that. The problem is the structure, the way the contract is set up with the unions, and how the education is delivered. The needs of the adults are put before the needs of the students. Selectman Maksy stated that he is hearing a lot about de-regionalization now; it can go two (2) ways.

Ms. Olivieri stated that if Freetown votes it down, she did not think the petitioners would go forward. Ms. Garbitt stated that the legal ad will go in the Gazette for November 4th if the date of Nov 22nd is chosen, or November 10th, if November 29th is chosen. Mr. Orrall asked why the Board needs to decide the date tonight. Ms. Garbitt explained that if the date is November 22nd, then the Selectmen need to schedule a meeting for next Monday night to sign the warrant. Mr. Orrall asked why waste tax payers money if Freetown votes it down. Ms. Craig stated that the

Town can stop the advertising if they go with the 29th. The Town would have to pay for the legal ad if they go with the 22nd. Ms. Garbitt stated that it will be a shorter warrant, not a typical lengthy one.

Review Petition for Special Town Meeting for Regional Agreement Amendment

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

VOTED: To put the Regional Agreement on the Special Town Meeting Warrant.
Unanimous in favor.

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

VOTED: To put the South Shore Recycling Cooperative article on the Special Town Meeting Warrant.
Unanimous in favor.

Discuss scheduling Special Town Meeting

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

VOTED: To schedule a Special Town Meeting on Monday, November 29, 2010 at 7:00 PM at the Apponequet Regional High School and to open the warrant.
Unanimous in favor.

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

VOTED: To close the warrant for the November 29, 2010 Special Town Meeting.
Unanimous in favor.

Discuss Open Meeting Law Complaint From filed by Bruce Malenfant and his Request for Hearing

Bruce Malenfant was present for the discussion. Chair Yeatts stated that the Board has received a complaint from Bruce Malenfant regarding the July 26th Selectman's Meeting. Town Counsel would like to write a response on behalf of the Board of Selectmen. Selectman Maksy asked when complaints are typically received, what is the process. Ms. Garbitt responded that this is the first complaint under the new Open Meeting Law that we have received. Previously Open Meeting Law violations would go through the District Attorney's Office, but they have changed the process and complaints will now go through the Attorney General's Office. A copy of the new Open Meeting Law rules was provided to the Selectmen in their Agenda packets. Selectman Maksy asked what the options are. Ms. Garbitt responded that the Board has 14 days from receipt of the complaint to file it with the Attorney General. That date would be by November 4, 2010. Selectman Olivier stated that in section 29.05, it states that the complaint is supposed to be filed within 30 days of the violation. The complaint was filed October 20th. The meeting in question was July 26th; this is well past the 30 days. Bruce Malenfant stated that there

were no official minutes of that particular meeting available within the time frame. Chair Yeatts stated that there are always draft minutes. Selectman Olivier pointed out that Mr. Malenfant was filing based on the agenda and what was posted. Mr. Malenfant stated that it was supposed to be specific to identify the hearing and it was not identified. Selectman Olivier stated that the agenda was filed before the meeting. Mr. Malenfant stated that he was never notified of the hearing. Ms. Garbitt stated that a letter was mailed on July 29th to Mr. Malenfant's attorney about the July 26th meeting. Mr. Malenfant stated that he was never notified that the Board was going to respond to the hearing. He just happened to show up. The Open Meeting Law says you have to be specific, and it just said a request for a hearing. Selectman Olivier stated that Mr. Malenfant's attorney was notified that the hearing was not going to take place. 30 days have past. Why should the Board get Town Counsel involved when the Board can respond itself? He was reasonably notified well before the 30 day deadline. Therefore the complaint is not valid.

Selectman Maksy stated that even if it is valid, or not, where do we go from here. We are not so sure how specific you have to be. Chair Yeatts explained that the Board went to a training session on June 17th regarding the changes to the Open Meeting Law. It went into effect July 1st and it was only 26 days later that this meeting took place. It was the Board's second meeting since the new law came into effect. We all went to the meeting, and we agreed that we would try to correct mistakes if they took place. That is what I would take back to the Attorney General. She would rather have Town Counsel review the letter and respond. Selectman Maksy stated that he would like to learn from it and move on. Selectman Olivier stated that Mr. Malenfant is 1) looking to vacate the Board of Selectmen's decision to not give (deny) Bruce Malenfant a hearing, and 2) to reinstate an employee without loss of compensation seniority, tenure or other benefits, and to pay attorney fees. Mr. Malenfant has been complaining about this to the Board of Selectmen since Selectman Olivier was elected. He will not get a hearing. You (Mr. Malenfant) were an employee at will. You can decide you do not want to go to work or the people that you work for can decide they do not want you to work for them. Selectman Olivier then referred to the letter from former Police Chief Sorel dated December 27, 2009. It said your conduct was interfering with the workers ability to perform their work with total concentration. The supervisor stated that their job is dangerous and it is a matter of safety. Moreover, the supervisor advised Chief Sorel that he had spoken to you in the past for this same type of behavior. Then Acting Police Chief Alvilhiera informed you in a letter that based on a review of your past performance, you will not be assigned to any further details for the Lakeville Police Department. Selectman Olivier did not understand what Mr. Malenfant did not understand why his service was no longer wanted in the Town as a Reserve Officer. Mr. Malenfant made a tremendous leap from an Open Meeting Law violation to reinstatement with back pay and paying your attorney. You are not a union employee, and we don't owe you a hearing, and you are not going to get a hearing.

Mr. Malenfant stated that it cost him nearly \$7,000 to get one (1) letter of complaint. Not everything is there on that complaint. You only have that one (1) letter. Chief Sorel interviewed me and told me he would give me back my statement and have me initial it for accuracy, but he never received it. At the same meeting, the Chief said to me, have you said any cutting remarks about me. Mr. Malenfant said he responded if you are referring to the police chase, I am. Chair Yeatts stated that the Board is talking about you (Mr. Malenfant) and will not allow anything to be said about anyone else. Selectman Maksy stated that his biggest thing is chain of command;

you have to respect the chain of command. The former Police Chief and the Acting Police Chief have ruled. There is absolutely no appeal process to us, other than emotional. He was not willing to sit here and make an emotional decision on what two (2) Police Chiefs have already made a decision about, regardless of why they did it. They are strong chiefs and that is their prerogative. That is why he has said since day one that this is not our issue. Mr. Malenfant stated that since day one he has only asked for a hearing to bring in my own witnesses. There are a lot of other factors that you have not even heard that pertain to this case and some pertain to the gravity of this Town. He has been doing this for 40 years. He has worked for eight (8) different communities. You are hearing what little they wanted to tell you. You are assuming a lot by not allowing me to have testimony, and relying on testimony from other people, one that is since gone. The townspeople voted the other night and feel that he is entitled to a hearing. Whether, I am right or wrong. Mr. Malenfant said he is a taxpayer and is entitled to some representation by you people.

Selectman Olivier stated that the issue at hand is the perceived conduct of your authority at that time. The Chief and the Acting Chief make the determination if your services are warranted and they based their decision on that. We are not going to go against that decision, and a hearing will not change any of that. Mr. Malenfant said if you read the letter, it does not say what my conduct was. If the Police Chief suspended me from Middleborough Gas & Electric details, could he work other details? Mr. Malenfant said he was not given any remedial training about what he did wrong. You are posturing yourself without giving me the opportunity to tell my side of the story. Mr. Malenfant said that he has spoken to Selectman Maksy regarding some of the things that went on, and he is a little alarmed that he did not bring this forward when he was Chairman. Mr. Malenfant said he just wants a fair and equitable hearing. The townspeople want me to have a hearing, your Town Counsel said I was not entitled to get one, but you could have given me one. Selectman Olivier stated that the townspeople have heard one side. The Chiefs have made their decision and you need to live with it. Mr. Malenfant said he has learned to live with it.

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

VOTED: To have Town Counsel write a letter on behalf of the Board of Selectmen to address the Open Meeting Law Complaint.
Unanimous in favor.

Request for Appointments for Middleborough/Lakeville Herring Fishery Commission

Chair Yeatts said the Board had received a letter from the Middleborough/Lakeville Herring Fishery Commission for their annual appointments of wardens and volunteer observers.

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

VOTED: To appoint Sargent Johnson and David Lemmo as Fish Wardens with a term ending September 30, 2013.
Unanimous in favor.

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

VOTED: To appoint Harold Atkins, Kristen Chin, Luke Leonard, Everett Rollins and Sylvester Zienkiewicz as Volunteer Observers for a term ending September 30, 2011.
Unanimous in favor.

Request for Appointment of Additional Poll Workers-Town Clerk

Chair Yeatts read the letter from the Town Clerk requesting the appointment of additional Poll Workers.

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

VOTED: To appoint Margaret Gross and Robert Marshall as additional Poll Workers with a term ending August 15, 2011.
Unanimous in favor.

Vote to award bid for Road Salt

Christopher Peck, Superintendent of Streets, was present for the discussion. Mr. Peck stated that the bid price was \$22.44 per ton less than what the Town received from the same company this past season. He estimated a savings of over \$19,074.00 based on his projected use. Mr. Peck recommended notifying Plymouth that we would join in their bid. He noted the Plymouth price was also less than the State bid price.

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

VOTED: To go with the Town of Plymouth purchasing group bid for \$47.31 per ton for road salt.
Unanimous in favor.

Mr. Peck explained that he has been looking into a salt alternative chemical. It will reduce the Town's salt and sand use. It is a corrosion inhibitor and is very versatile. It can be sprayed on the roads, the stock piles can be sprayed or you can spray when the trucks are loaded, and that is what he wants to do. It is only supposed to be used in certain circumstances. Spraying before the storm will cut down on the number of times the Town has to sand during a storm. The chemical binds to the roads and stays there. The cars actually work the material in and then there is less outfalls to the catch basin. They still have to be cleaned, but it will also cut down on the street sweeping. The chemical turns the salt brown. It is 99 cents per gallon, and they say to put six (6) to eight (8) gallons on per ton. There is a cost to set up the tanks at the garage of about \$4,000 dollars. Selectman Maksy asked Mr. Peck to check to see if the Calcium Chloride tank could be also used, since many use that kind of tank. Mr. Peck stated that the savings should be jumping from \$19,000 to \$25,000 next year. The Town is using archaic methods right now and will be going in the right direction with this new salt alternative chemical.

Mr. Peck stated that he has done some research on the Town holding a Hazardous Waste Day Collection. The Town has the opportunity to join the South Shore Recycling Cooperative (SSRC). The biggest advantage to that is joining in with other communities on a Hazardous Waste Day. Chair Yeatts further explained that for the past five (5) years, the Board has pushed out the Hazardous Waste Day due to its cost. The cost is \$30,000 and the Town just could not afford it. Mr. Peck explained that there are 12 separate days that the townspeople can go to another town and utilize this day. The initial cost is \$4,500 a year and he thought the fee is based on population. Mr. Peck stated that he will meet with Claire Sullivan, Executive Director of SSRC. Chair Yeatts suggested inviting Ms. Sullivan to talk to the Board on this. Ms. Garbitt explained that the SSRC is not just for Hazardous Waste Day, there are grant opportunities, etc. Chair Yeatts stated that the Selectmen can always pull the article to join SSRC from the warrant if it does not work out.

Selectman Olivier stated that the Board needs to look at the Landfill Enterprise Fund since it is not funding itself. Mr. Peck stated that the recyclables are coming in really good now, and it has a lot to do with the company that the Town was bringing them to. The Town is now bringing the recyclables to a different company, and it is working out very well. Things are looking a lot better than when this was discussed about six (6) months ago.

Mr. Peck stated that Mill Street is going to be overlaid. It is just over a mile of roadway. The cost is about \$208,750, and the project has been approved by MassDOT for use of Chapter 90 funds. The Town is just waiting for the exact date for the resurfacing to take place from the contractor. Precinct Street will be done in the spring after the trenches have settled through the winter. This is the last road in that section of Town, besides Bridge Street, that needs to be resurfaced.

Schedule November and December Selectmen Meetings

Chair Yeatts stated that Ms. Craig would like to tentatively schedule the Board of Selectmen meetings on the website when the meeting dates are set. There will be a generic agenda posted with the full agenda being posted 48 hours prior to the meeting. With the new Open Meeting Law, posting the meetings 48 hours prior is not giving people enough notice that a meeting is taking place. Also, the meetings are not being published in the Middleboro Gazette. This would be a solution, and Town Counsel has said we can do this. Lengthy discussion then took place about the new Open Meeting Law, posting notices and agendas, etc.

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

VOTED: To schedule the Board of Selectmen meetings for November 8th, November 22nd December 6th and December 20th. The Board will also be posted for November 29th (Special Town Meeting)
Unanimous in favor.

Request for Temporary Trailer Permit-7 Leonard Street

Chair Yeatts stated that the request for a Temporary Trailer Permit was due to a house fire. Ms. Craig stated that a temporary permit lasts for six (6) months and can be extended for another six (6) months.

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

VOTED: To approve the Temporary Trailer Permit for 7 Leonard Street through April 25, 2011.
Unanimous in favor.

Discuss Veterans Day Observance/Proclamation

Chair Yeatts stated that Ms. Craig had prepared a proclamation to be read at the Veterans Day Observance. She thought it was a really good idea. Veterans Day will be on Thursday, November 11, 2011. The service for the Town will take place at 10:30 AM. Selectman Maksy will attend and read the proclamation. Ms. Craig noted that she had shown the Veterans Agent the proclamation and she approved it.

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

VOTED: To waive the reading of the proclamation and approve it.
Unanimous in favor.

Request for One Day Liquor License-Park Commission

Chair Yeatts explained the request for a One Day Liquor License.

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

VOTED: To allow a One Day All Alcohol Liquor License for the Haunted House Volunteer Thank You party on November 7, 2010 from 6:00 PM to 11:00 PM at the Ted Williams Camp.
Unanimous in favor.

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

Chair Yeatts explained the details of the request.

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

VOTED: To approve the use of the Town House for the Apponequet Boosters for their Annual Christmas Tree Sale on December 4 and December 5 from 8:00 AM to 4:00 PM with the condition that there be no chain saws or electrical

tools/equipment used. Rain date is December 11 and 12 from 8:00 AM to 4:00 PM.

Unanimous in favor.

Review and vote to sign Easement Agreement for Lakeside Landing, Inc.

Chair Yeatts explained that a fire hydrant had to be put in on 330 Bedford Street and this is the easement for the fire hydrant.

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

VOTED: To approve and sign the Easement and Right-of-Way Agreement for the Town from Lakeside Landing, Inc. at 330 Bedford Street.

Unanimous in favor.

Discuss Conservation Restriction and Management Permit-Athletic Fields at Ted Williams Camp

Chair Yeatts stated that the Conservation Restriction is the mitigation for the Eastern Box Turtle habitat that is being disturbed by the work done at the Ted Williams Camp. There is discussion of a potential ten (10) acre conservation area in the sand pit area at the Camp for potential nesting. However, the mitigation needs to be at a ratio of 2 to 1, so a ten (10) acre parcel is being set aside at the Howland Road property. In order to do the ball fields and get the gravel project going, this is what needs to be done. The Conservation Commission will hold the Conservation Restriction on the Camp property. Audubon and Natural Heritage will hold the Conservation Restriction on the Howland Road property. Ms. Grubb stated that she did not think that the Town can hold its own Conservation Restriction. Chair Yeatts explained that Natural Heritage recommended this. Ms. Grubb pointed out that deed restrictions are for 29 years and have to be renewed. If they are not, then they will then go away.

Ms. Garbitt noted that this request is to see what the Board thinks about the Long Term Habitat Management Plan on page 4. It depicts what the Town will be responsible for on the abandoned gravel pit. Ms. Garbitt stated that Brian Madden, Wildlife Scientist from LEC Environmental Consultants, Inc., based this Conservation Restriction on the one that is on file now for Howland Road. This will have to be approved at Town Meeting. Chair Yeatts suggested putting this on for the Special Town Meeting in November since the Selectmen have the purview to add to the warrant if necessary.

Discuss preparation for FY12 Budget Requests to Department Heads

Chair Yeatts explained that the procedure for preparing the budget requests will be the same as what the Board requested of the Department Heads last year. Ms. Garbitt explained that the Board needs to establish their timeline for the Department Heads. Selectman Olivier will work on the budget this year with Ms. Garbitt. Ms. Garbitt said the Town has foregone maintenance for the Town Office Building for quite some time, so she has asked the Building Commissioner

to prepare a list of maintenance items for the Board to present to the Capital Expenditures Committee.

Selectman Olivier suggested leaving the expenses as they are and to leave the wages at 0% increase and see what happens. The Departments will have to include any contractual increases. The Town has to honor any contractual increases and contractual steps. Selectman Maksy stated that he is not optimistic about the upcoming year. Selectman Olivier suggested to change the wording to say only contractual increases and raises for employees and a 0% increase. Ms. Garbitt asked if the Board may want to restore some hours. Chair Yeatts responded that they did not want to; maintain what is there already since the Board already restored some hours. Mr. Orrall stated that he felt that the Board needs to start with 0% for raises where possible. He thought employees were under the impression that they were going to get 2% raises. The Board needs to start with no increases, since the money may not be there. Discussion took place on budgets and amounts. Ms. Garbitt asked about what to recommend to the school and their deadline. Chair Yeatts stated that it would be a 0% increase on expenses and the School Department budget will be due by December 31st and there will be no increase in personnel or wages, except contractual.

Sylvester Zienkiewicz of Anaconda Drive asked when the Board plans to set up a Water Commission? He is interested in serving on that committee. Chair Yeatts explained that the Water Department needs to be up and running. She does not want to turn it over until it is set in stone. We need the consultant to come in and meet with us. Further discussion occurred on this matter. Chair Yeatts said that Bill Elliot also wants to be on the Water Commission as well.

Request for Proclamation-Friends of the Lakeville Library Week

Chair Yeatts said the Library Trustees have requested that the week of November 8, 2010 to November 13, 2010 be declared as "Friends of the Lakeville Library Week".

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

VOTED: To waive the reading of the proclamation (and to correct the spelling of Selectman Maksy) and that the week of November 8-13, 2010 be declared as "Friends of the Lakeville Library Week".
Unanimous in favor.

Review and approve Selectmen's Meeting Minutes: May 11, 2010, May 27, 2010 & June 14, 2010

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

VOTED: To approve the Selectmen's Meeting Minutes of May 11, 2010 as presented with Selectman Maksy recusing himself.
In favor 2, Abstain 1.

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

VOTED: To approve the Selectmen's Meeting Minutes of May 27, 2010 as presented.
In favor 2, Abstain 1.

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

VOTED: To approve the Selectmen's Meeting Minutes of June 14, 2010 as amended.
Unanimous in favor.

Other Items

1. Information regarding Back Nine Club noise complaints
Chair Yeatts stated that the noise does not seem to be coming from the Back Nine Club. It sounds like kids in the parking lots.
2. Letter from Massachusetts Collectors & Treasurers Association
Chair Yeatts offered congratulations to Debra Kenney, Treasurer/Tax Collector. The Massachusetts Collectors and Treasurers Association has renewed her certification until 2015.
3. Thank you letters from Lakeville Arts Council
4. Letter from Regina Mackiewicz regarding Carriage House Drive road conditions
Selectman Maksy asked if the letter got forwarded to Mr. Peck. Ms. Garbitt responded that it had.
5. Copy of Board of Health letters: 5 Birch Street and 9 Shore Avenue
6. Letter from Carriage House Consulting regarding oil release-4 Cherry Street
7. Letter from Department of Mental Health regarding new Site director
8. Middleborough Gas & Electric Commission Meeting Agenda – October 12, 2010
9. Letter from Mass DOT regarding TDR Study Technical Assistance
Chair Yeatts asked if Linda Grubb received the letter. Ms. Garbitt responded that she had.
10. Council on Sustainability meeting notice-December 2, 2010
11. Agenda for Plymouth County Advisory Board Council Meeting-October 14, 2010
12. SEED Membership Renewal notice
13. Meeting notice-Regional Economic Strategy Committee-October 12, 2010
14. Meeting notice - SRPEDD Commission – October 27, 2010
15. Notice from SRPEDD regarding HUD Sustainable Planning Grant
Ms. Garbitt stated that SRPEDD did not get the HUD Sustainable Planning grant.
16. Mass Wildlife News
17. IGR – City, Town and District Debt Purposes, Terms and Payment
18. Letter from Comcast regarding programming changes
19. Notice from NSTAR regarding merger with Northeast Utilities
20. Request for Proposals: Housing Rehabilitation Specialist for CBDG Grant
21. Information from Superintendent of Streets regarding South Coast Recycling Cooperative

Adjournment

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

VOTED: To adjourn the meeting at 10:55 PM.
Unanimous in favor.