

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**November 8, 2010 - 7:00 PM**

On November 8, 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 7:00 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.

Chair Yeatts asked who was recording for the meeting. Cindy Dow was recording the meeting for The Middleboro Gazette.

**7:00 PM Claire Sullivan-South Shore Recycling Cooperative**

*Claire Sullivan, Executive Director, of South Shore Recycling Cooperative was present for the discussion.* Ms. Sullivan presented information about her company to the Board. The predecessor company was formed in 1995. The company looks at trash as something that has values. They do outreach to residents, participate at events, provides events, etc. The company works with SEMASS. Collectively there are a significant amount of towns that belong to the cooperative right and it allows the towns to have a louder voice at the State level. The company does a lot of advocacy for the Bottle Bill. Middleborough just recently joined us. The company is its own entity and can raise its own funds. Ms. Sullivan said they have held approximately 150 household hazardous collections. Ms. Sullivan said they bid out the compost and screening contracts every year, unless the Towns can stay with a good vendor that is already in place. There were ten (10) bidders during the last bidding cycle. This saves the member towns time since SSRC handles this type of industry all the time. Ms. Sullivan said she can tour Lakeville's Transfer Station and give suggestions for modifications. SSRC works with SEMASS to maximize the mercury separation plan. SSRC also has programs for recycling batteries as well. Ms. Sullivan said the annual dues are \$4,500 per year. The dues have only gone up once since she started with the company.

Chair Yeatts pointed out that the Town has been using an amount of \$30,000 for the Hazardous Waste Collection Day for the Capital Plan for about five (5) years. Ms. Garbitt asked what was the average cost for a town the size of Lakeville. The population is about 10,000 and the Town had a Hazardous Waste Collection day about eight (8) years ago. Ms. Sullivan pointed out that the first year, especially after not having one for many years, there will be a big turnout. Chair Yeatts noted that the Town could also ask SSRC member towns to participate. Ms. Sullivan stated that Lakeville would still have to pay for each person that goes out. The Town would probably get 250-300 cars the first few years, so the bill may be \$15,000 in the beginning, but it will go down after that. The way the charges are classified is either carload or drum. Having people drop off by carload is easier. There is more control in what is being brought in and how it is split back out to vendors so that they can make sure that the vendors are not over charging. Latex paint is not hazardous, so you do not want to send it to a hazardous waste plant. Chair Yeatts asked who the decision maker would be. Ms. Sullivan responded that it would be whoever is the decision maker for recycling, trash, hazardous waste.

Chair Yeatts asked Mr. Peck if the Town was to become a member with the cooperative, would there be less tractor trailers going to SEMASS. Mr. Peck responded that the Town may be able to get in on lower tonnage price. Ms. Sullivan stated that trash is becoming a real profession, and some towns even have a Solid Waste Manager. (Selectman Maksy exited the meeting at 7:35 PM). Chair Yeatts stated that it has been bothering her that the Town has not had a Household Hazardous Waste Collection Day. It affects the Town by the amount of rubbish that is left out on the roads instead. Ms. Sullivan will send the power point presentation to Mr. Peck and he will forward it along to Ms. Garbitt.

**7:15 PM Review request from Board of Health to include a Warrant Article on the Special Town Meeting November 29, 2010**

*William Garvey and Robert Poillucci, Members of the Board of Health, were present for the discussion. Mr. Poillucci stated that when had been before the Board a few weeks ago, a discussion took place regarding the need to contact Town Counsel. The Selectmen voted for the Board of Health to have some time to work with Town Counsel. It has been found out from Town Counsel that the matter discussed is a Board of Health matter. It is not a civil matter. Mr. Poillucci said they have obtained the appropriate amount of signatures on a petition to have a percentage of the Town's Legal Budget allocated to the Board of Health for legal matters. Ms. Garbitt said that the Selectmen could place the warrant article on the upcoming Special Town Meeting Warrant. Mr. Poillucci said the Board of Health would like to have the ability to say yes, we can help you, and not have to say that they have to wait for the next Selectmen's meeting and if they say yes, then we will help you. Mr. Poillucci read the proposed article as follows: That five percent (5%) of the Town of Lakeville's budgeted allotment for legal counsel and services be allocated to the Board of Health, only if deemed necessary, to engage legal counsel and institute court proceedings for the purpose of enforcing the state sanitary code or the provisions of the Code of Massachusetts Regulations, in its discretion, without prior approval from the Town of Lakeville Board of Selectmen. Further that the Board of Health is hereby authorized to engage counsel of their choice to accomplish the foregoing. Explanation: Currently, the Board of Selectmen reviews all requests for the provision of legal services rendered on behalf of the Town of Lakeville, this process will continue. However, given that many enforcement matters involving the state sanitary code or Code of Massachusetts Regulations are of an urgent nature, the Board of Health believes that from time to time an issue might arise, where it would best be able to serve the interests of the residents of the Town of Lakeville by having the discretion to engage counsel to enforce such provisions expediently without prior approval from the Board of Selectmen.*

Chair Yeatts explained that all requests to access Town Counsel go through the Town Administrator. The only question that arose at the last meeting was if the matter was a civil matter. Chair Yeatts is aware of the cases that are before the Board of Health at this time. It is preferable that the Board of Health pursue these matters since there are children living in homes that are not up to code. It is not felt that the Board of Selectmen would ever deny the Board of Health access to Town Counsel. The Board of Health need only to call the Ms. Garbitt, and if she approves discussion to take place with Town Counsel, then that is fine. The Town Administrator is aware of the budget and where it stands at various points in time. The Selectmen are ultimately responsible in any kind of legal matter that involves the Town. The

Board will do whatever it takes to get it done. Mr. Garvey stated that in the twelve (12) years that he has been on the Board of Health, he has never had a problem with working with Town Counsel. However, there it would not be a problem if the Board of Health had \$2,000 in their Legal Budget. Under State statute, if there is an emergency, then the Board of Health can hire anyone that they want. The Board of Health does not mind coming to the Board of Selectmen, but the Town Administrator does not know all the Board of Health's laws. The Board of Health might never use it, but if it is necessary, it would be best that it is already in place. If the Board of Health has to call a Special Town Meeting, it will cost the Town more than that. The Board of Health needs that line item. The Board of Health has been hired to do a job and are elected officials. The Board of Health has the same rights as the Selectmen have. If the Selectmen meet every two (2) weeks and the Board of Health has an immediate need for Legal Counsel, the money may be needed.

Chair Yeatts stated that the Board of Selectmen are just saying that the Board of Health should talk to the Town Administrator and let her know what the matter is about. The Board does not want to find out later that the Board of Health has taken on a case. The Town Administrator needs to know. The Selectmen have never denied the Board of Health.

Selectman Olivier stated that he did not understand why the disconnect happened. Mr. Garvey stated that this time the Board went through the Town Administrator and were told that the Selectmen wanted to meet with them. Chair Yeatts stated that the Selectmen asked for something in writing since Selectman Maksy thought that the matter might be a civil matter. Selectman Olivier stated that he is just trying to connect the dots on how the disconnect got started. If the Board of Health feels that a family or that children are in danger, the Board of Health has every right to do what needs to be done, regardless of where they need to take the money out of. He wants both Boards to work together and not to be at odds with each other. We want to make sure that you have access to Town Counsel to get your job done. Chair Yeatts pointed out that at the last meeting, the Selectmen told the Board of Health to go ahead and have Town Counsel teach Mr. Perry how to go to Housing Court. Mr. Poillucci stated that the Board of Health did go through the Town Administrator and Mr. Perry had talked to Kopelman & Paige. The Board of Health then got a stop since they were told that they could not talk to Kopelman & Paige until they got permission from the Board of Selectmen. Mr. Garvey stated that the Board of Health does not want the amount open ended. They do not want to spend any more money than the Selectmen want to spend. However, if the matter is under State statute, the Board of Health wants to be able to just move forward with the process that they need to do. Selectman Olivier stated that Mr. Perry should be working with the Town Administrator so that she can make sure that it does not get out of control.

After further discussion, it was agreed that the warrant article will be taken off the Special Town Meeting Warrant for November 29, 2010. Mr. Poillucci stated that he was told that if the Board of Health wanted to put something on a warrant article they had to get signatures, and he does not think they should have. Chair Yeatts stated that she does not have the right to say for the Board that they will put something on the warrant.

Mr. Garvey stated that he would like to ask the Board of Selectmen to appoint Mr. Poillucci to the Building Committee for the Ted Williams Camp. Mr. Garvey sat with the engineer this

morning and met with the representatives from Old Colony. He would like someone with knowledge to be in place when he goes on vacation. Chair Yeatts asked Ms. Craig to obtain some paperwork from Mr. Poillucci saying that he is interested in being on the committee.

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

VOTED: To appoint Robert Poillucci to the Ted Williams Commissary Building Committee with an expiration date of July 31, 2011.  
Unanimous in favor.

**7:30 PM Review request from Field Engineering on behalf of Canpro to have street acceptance of Commercial Drive and Riverside Drive on the November 29, 2010 Special Town Meeting**

*Kenneth Motta from Field Engineering and Jeanne Alexander from Canpro were present for the discussion.* Mr. Motta stated that the street acceptance was on the Town Meeting floor and the Planning Board had some unanswered questions. One question was the commercial signs, which are not in the Town's right-of-way. The Town is under no obligation to maintain the signs. Canpro has agreed to maintain the landscape island at the entrance of Riverside Drive. The maintenance of the entrances going into the park from Riverside Drive and Commercial Drive will be the State's obligation, once they finish the widening project. The Planning Board, at the end of their meeting on November 1, 2010, voted to reaffirm their previous recommendation for acceptance subject to a letter being received from Canpro listing the agreed upon conditions. The letter from Canpro is dated November 3, 2010 and lists the conditions that they have agreed to. Chair Yeatts stated that the street acceptance request will be put on the Special Town Meeting Warrant.

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

VOTED: To place the acceptance of Commercial Drive and Riverside Drive on the November 29, 2010 Special Town Meeting Warrant.  
Unanimous in favor.

**Review request from Attorney John Ryder to amend official zoning map for property owned by Gene Bartlett on Bedford Street**

*John Olivieri, Jr. and John Ryder, Esquire, were present for the discussion.* Mr. Olivieri stated that the Town does need more industrial zoned areas if it is trying to encourage industry to reside within the Town. Mr. Bartlett is seeking to rezone his property located on Bedford Street and other properties located on both Bedford Street and Taunton Street from Residential to Industrial. Chair Yeatts stated that the first step is for this to be reviewed by the Planning Board. However, they did not take any kind of action on it. They looked at it and made a few comments, so it needs to come from the Selectmen. Discussion then took place on the property, by the Selectmen, as they reviewed it on a zoning map. Selectman Olivier indicated that he is not opposed to making the change, however, there are some significant abutters that should sign off on this if they approve. There are some property owners that are in agreement.

Ms. Grubb mentioned that there may be some restrictions on this. When Mr. Bartlett was doing the gravel removal, he agreed that he would put one (1) house there. It is also on top of a high yield aquifer and there is some restriction with the bridge that is on the property. Chair Yeatts stated that she is extremely aware of the restrictive covenant. It was a restriction asked for by the Town and held by the Town. Regarding the bridge, it is certain that there are many restrictions on what the bridge can and cannot be used for since it is a very small bridge. Ms. Grubb pointed out that it seems that we come up with a lot of agreements and then when they no longer fit, we seem to let them go. That concerns her. Water is going to become our most precious commodity within the next twenty (20) years and that land is over an aquifer. Chair Yeatts pointed out that the Board is not talking about building anything there. She is aware of the wetlands and the Restrictive Covenant. Conditions do change. Not that the aquifer will go away, but other economic conditions have certainly changed. We have heard and documented your concerns.

Mr. Garvey stated that the Lakeville Development Corporation has discussed the fact that the Town needs more industrial property. They discussed approaching Gene Bartlett regarding his property, but it got put by the wayside. Sysco did approach Gene Bartlett on Mr. Garvey's suggestion. However, their building would not fit on his property due to wetlands. They would have had to buy additional property. Mr. Garvey said that got Mr. Bartlett thinking about rezoning his property. It does not have anything to do with Sysco; it was in discussion before Sysco. We are looking to move forward. We realize that the aquifer is there and that is why we have Title V conditions in place. We can put different types of treatment plants there so that what comes out is clear water. Attorney Ryder stated that as far as timing, it is whatever the Board chooses to do. His personal opinion is to rezone the property sooner rather than later. Opportunities do come up. If someone finds out that the property is not zoned industrial and taking into account what just happened with Sysco, we may lose out on potential opportunities. Town meeting will ultimately vote whether it will be zoned industrial.

Chair Yeatts stated that the Board should pass this on to the Planning Board and request that they consider it as soon as possible. Selectman Olivier asked if the Town can have a Development Agreement included with this when it is rezoned. Perhaps that would encourage the townspeople better. Ms. Grubb stated that she would think that something could be drafted that would protect the aquifer. The Planning Board did say that they do not want to do zoning changes except at Annual Town Meetings.

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

VOTED: To send the request from Attorney John Ryder to amend the official zoning map for property owned by Gene Bartlett located on Bedford Street to the Planning Board with a letter stating that a Special Town Meeting has been requested and that the Board of Selectmen respectfully request that the Planning Board hold a hearing and that the Board would hope that they would expedite the process.  
Unanimous in favor.

### **Vote to place articles on Special Town Meeting Warrant-November 29, 2010**

Chair Yeatts stated that the Board needs to vote on the additional articles for the Special Town Meeting Warrant.

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

VOTED: To add the following article to the Special Town Meeting Warrant": To see if the Town will vote to accept Commercial Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as show on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled "Roadway Acceptance Plan Commercial Drive and Riverside Drive, Lakeville, MA" dared August 17, 2010, or take any other action relative thereto.  
Unanimous in favor.

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

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

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

VOTED: To add the following article to the Special Town Meeting Warrant: To see if the Town will vote to authorize the Board of Selectmen to convey a perpetual conservation restriction encumbering a portion of a parcel of land, said parcel located at Howland Road, Lakeville and described in a deed recorded with the Plymouth County Registry of Deeds in Book 18180, Page 228 and identified on Assessors Map 9, Block 2, Lot 5C, and said portion to be encumbered being shown as "Conservation Parcel" and "Access Easement (to Conservation Parcel)" on a plan titled "Conservation Plan of Land at Howland Road Lakeville, Massachusetts prepared by Prime Engineering, a copy of said plan is on file with the Town Clerk, to the Massachusetts Audubon Society, Inc., or other entity qualified to hold a conservation restriction, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, or to take any action relative thereto.  
Unanimous in favor.

### **Vote to sign Special Town Meeting Warrant-November 29, 2010**

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

VOTED: To sign the Special Town Meeting Warrant with the following articles: the Agreement between the Towns of Freetown and Lakeville, MA, with Respect to the Formation of a Regional School District, the IMA with South Shore Recycling Cooperative, to accept Commercial Drive, to accept Riverside Drive and the Conservation Restriction on Howland Road.  
Unanimous in favor.

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

VOTED: To waive the reading of the warrant and to exclude Article #6.  
Unanimous in favor.

### **Review and vote on letter to Natural Heritage regarding Ted Williams Camp**

Chair Yeatts explained that the Board has been working with Natural Heritage for over a year to build the two (2) ball fields at Ted Williams Camp. The mitigation is that they want ten (10) acres of land. Natural Heritage also triggers a Massachusetts Environmental Policy Act (MEPA) review. The restriction on the Camp would be the turtle habitat since there needs to be a Conservation Restriction on it, even if it is manmade. Chair Yeatts and Ms. Garbitt met with Prime Engineering to discuss putting a Conservation Restriction on additional acres to the existing Conservation Restriction on Howland Road. All the surveying has already been done. There is a letter from Kristen Black from the Natural Heritage & Endangered Species Program, dated October 20, 2010, detailing what she needs the Board of Selectmen to vote on.

Mr. Garvey further explained that this area of the Camp had previously had gravel removed. Bill Logan leveled the whole area where the turtle habitat is located for a football field. When we started speaking with Natural Heritage, our first conversation with them was that this was going to be an easy project. It has not turned out that way. A turtle sweep was conducted and no turtles were found. LEC Environmental Consultants, Inc. did the turtle sweep, and the Town still has to save these ten (10) acres for habitat. Now there will be 20 acres in a Conservation Restriction. Natural Heritage is still worried about the turtles and is requiring another ten (10) acres on Howland Road. We cannot do the project unless we do what they tell us we need to do. We are just trying to build ball fields for kids. There should be an appeals process. Ms. Grubb mentioned that this was an odd time of the year to do a sweep for turtles; the turtles are already prepared for the winter at the end of October. Mr. Poillucci asked if the Town has any authority with Natural Heritage. Chair Yeatts responded that the Town does not.

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

VOTED: To authorize Chair Yeatts to sign the letter with the Division of Fisheries and Wildlife.  
Unanimous in favor.

**Review and vote on Contract Amendments and Change Order for Field Engineering for the water line extension at Ted Williams Camp**

Chair Yeatts explained what needs to be done in order to move forward with the construction of the water line extension at the Ted Williams Camp.

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

VOTED: To approve the additional water main work under the SRF loan with a cost of \$9,980 to Field Engineering and \$56,000 to Celco Construction for the new restrooms at the Ted Williams Camp.  
Unanimous in favor.

**Request from New Bedford City Council for letter of support for Teamsters Union Local 25**

Chair Yeatts stated that the Board does not usually get involved in matters like this. Selectman Olivier added that the Board does not have enough information on the matter and no one is here to represent the company.

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

VOTED: To take the letter from the City of New Bedford under advisement.  
Unanimous in favor.

**Request for Appointment-Energy Advisory Committee**

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

VOTED: To appoint Michael Nolan to the Energy Advisory Committee with an expiration date of July 31, 2011.  
Unanimous in favor.

**Request for Appointment-Open Space Committee**

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

VOTED: To appoint Daniel Hopkins to the Open Space Committee with an expiration date of July 31, 2011.  
Unanimous in favor.

Ms. Grubb stated that the plan is finished and the Open Space Committee will be providing the draft to the State and to SRPEDD. The final version will be in color. She then handed the Board copies of the draft to review the text. The plan can be viewed in color on the Town's website. A letter will be needed from the Selectmen when the final completed plan goes into the State. The final plan will be when the corrections come back from the Board. There is not a



specific deadline, but it is hoped to get it back by the end of the year. Also, a letter will be needed from the Planning Board and SRPEDD. A deadline of December 15, 2010 was set for the Selectmen's comments.

#### **Vote to accept Robert Marshall's resignation from the Cable Advisory Committee**

Chair Yeatts stated that Mr. Marshall is actually asking to be an alternate. Ms. Craig suggested that the Board vote to remove him as a full time member, then to appoint him as an alternate.

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

VOTED: To accept Robert Marshall's resignation as a Member of the Cable Advisory Committee.  
Unanimous in favor.

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

VOTED: To appoint Robert Marshall as an Alternate Member of the Cable Advisory Committee with an expiration date of July 31, 2011.  
Unanimous in favor.

#### **Request for renewal of Storage Trailer Permit-19 Stetson Street-Phil Sherman**

Chair Yeatts said that Phil Sherman had requested a renewal of his Storage Trailer Permit.

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

VOTED: To renew the Storage Trailer Permit for 19 Stetson Street until December 3, 2011.  
Unanimous in favor.

#### **Request to rescind One Day All Alcohol Liquor License-November 7, 2010-Haunted House**

Chair Yeatts read the request from the Park Department to rescind the previously issued One Day All Alcohol Liquor License on November 7, 2010.

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

VOTED: To rescind the One Day Liquor License previously approved for November 7, 2010 at the Ted Williams Camp for a Haunted House Volunteer Thank You Party.  
Unanimous in favor.

**Request to approve One Day All Alcohol Liquor License-November 14, 2010-Haunted House**

Chair Yeatts read the request from the Park Department to issue a One Day All Alcohol Liquor License for November 14, 2010 for the Haunted House Volunteer Thank You Party.

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

VOTED: To approve the One Day All Alcohol Liquor License for November 14, 2010 from 6:00 PM to 11:00 PM for the Haunted House Volunteer Thank You Party.  
Unanimous in favor.

**Request for Door to Door Sales Permit to sell Verizon FIOS**

Chair Yeatts read the request from 212 Marketing Solutions, Inc. to go door-to-door selling Verizon FIOS.

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

VOTED: To approve a Door to Door Sales Permit for 212 Marketing Solutions Inc., to sell Verizon FIOS from 1:00 PM to 8:00 PM Monday through Friday, Saturday 11:00 AM to 5:00 PM and no sales on Sundays, Thanksgiving, Christmas Eve or Day and New Year's Day.  
Unanimous in favor.

**Review and vote to sign Conservation Restriction for Deerfield Estates**

Chair Yeatts stated that Ms. Grubb came across the fact that the Conservation Restriction for Deerfield Estates was not recorded. The matter has to do with the estates of Derek Maxim and Lincoln Maxim. Ms. Grubb stated that actually it was recorded, but the Executive Office of Environmental Affairs (EOEA) had requested changes to the document and it was recorded without those changes and without the EOEA secretary's signature.

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

VOTED: To sign the Conservation Restriction for Deerfield Estates.  
Unanimous in favor.

**Review and approve Selectmen's Meeting Minutes: July 12, 2010; August 9, 2010, August 17, 2010; August 20, 2010; and October 18, 2010**

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

VOTED: To approve the Selectmen's Meeting Minutes of August 17, 2010 and August 20, 2010 as presented.

Chair Yeatts noted that on page 7, in-lieu-of, she thought that the Town needed the resource protection more, so that was fine, but she did not think she ever said that she does not want a marketing engineering study, so she would like that changed. She would like it to read: "Chair Yeatts stated that she agrees to have the resource protection and save the marketing study for another time".

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

VOTED: To approve the Selectmen's Meeting Minutes of July 12, 2010 as amended.  
Unanimous in favor.

Chair Yeatts asked if the Town was getting mileage bi-weekly from the Assessors. Ms. Garbitt responded that she has not. She has emailed them and has not received anything and the meeting was August 9<sup>th</sup>. Selectman Olivier suggested perhaps the car should be taken away. Selectman Olivier was at the meeting and it was agreed that he was not filling out the mileage logs, and he agreed to start doing it from that day forward. Chair Yeatts stated that Norman Taylor may have done the mileage logs, but Ms. Garbitt just has not received them. However, it says that the Assessors would sign off bi-weekly and submit them to the Town Administrator. If they are not received by the next meeting, we will put it on the agenda. Selectman Olivier stated that unless the mileage logs are received, the access to the Town car will be prohibited.

Selectman Maksy returned at 9:35 PM from the Special Town Meeting in Freetown. The Regionalization Article passed, 185 to 65. The Article included the one man, one vote, election across Towns, and for it to go through special legislation.

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

VOTED: To approve the Selectmen's Meeting Minutes of August 9, 2010 as presented.  
Unanimous in favor.

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

VOTED: To send a letter to the Board of Assessors that unless the mileage logs are received for the Town Car, the Board will be forced to take action and the vehicle privileges will be terminated.  
Unanimous in favor

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

VOTED: To approve the Selectmen's Meeting Minutes of October 18, 2010 as presented.  
Unanimous in favor.

## **Review and approve Executive Session Minutes: September 13, 2010 and October 4, 2010**

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

VOTED: To approve the Executive Session Meeting Minutes of September 13, 2010 as presented.  
Unanimous in favor.

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

VOTED: To approve the Executive Session Meeting Minutes of October 4, 2010 as presented.  
Unanimous in favor.

## **New Business**

Ms. Garbitt noted that the Region's Excess and Deficiency Account has been certified in the amount of \$508,698.

## **Old Business**

Selectman Maksy explained that Freetown had the exact same concerns that the Lakeville residents had regarding the Regional School Agreement. The bottom line is that the Superintendent did a lot better job this time around. MCAS results are driving this right now in both Towns since the scores are not good.

## **Other Items**

1. Field Change Plan-Commercial Drive Intersection  
Ms. Garbitt stated that this is the email to Bob Fitzgerald at MASSDOT.
2. Letter from Massachusetts Historical Commission regarding former Lakeville Hospital property  
Chair Yeatts stated that the letter from the Historical Commission is just one more stumbling block. We need to save this and put it in the file so that when someone else comes forward they are not blindsided. Selectman Olivier asked to send a copy to Dick Scott as well.
3. Letter from Trident Insurance regarding snow/ice removal
4. Memo from Kopelman & Paige regarding Employee Personnel Files
5. Letter from DEP regarding Massachusetts Federal Safe Drinking Water Act Assessment FY11
6. Letter from South Coast Rail regarding South Coast Rail Website
7. Meeting Notice-Regional Economic Strategy Committee
8. Greater Attleboro/Taunton HOME Consortium
9. Fall 2010: Taunton River Coalition Conservation & Nature Series
10. Invitation from Community Preservation Coalition to attend CPA workshop

11. Letter from MMA regarding Annual Trade Show

Chair Yeatts stated that the Trade Show is in January in Boston on Friday and Saturday at the Hines auditorium. Ms. Garbitt usually attends this event Friday and Chair Yeatts attends Friday and Saturday.

12. Mass Wildlife Newsletter

13. Mass Wildlife Advisory

At 10:00 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss strategy with respect to litigation or collective bargaining, specifically the Board will discuss pending litigation, and the executive session is because an open meeting may have a detrimental effect on the Board's litigating position.

Polled vote of Selectman Maksy – aye, Selectman Olivier – aye, and Selectman Yeatts – aye.