

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**November 22, 2010- 7:00 PM**

On November 22, 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. Those recording were: Cindy Dow for The Middleborough Gazette and Comcast for local community broadcast.

**7:00 PM Warrant Review – Special Town Meeting November 29, 2010**

The Finance Committee was called to order at 7:02 PM. Members present were Michael Petruzzo, Melissa Hopkins, Norman Orrall, Don Healy and Ted Bunn. Also present were John McCarthy, Superintendent of Schools and Gordon Goodfellow, Moderator.

Article 1: To see if the Town will vote to amend the “Agreement between the Towns of Freetown and Lakeville, Massachusetts with Respect to the Formation of a Regional School District,” most recently amended in 2001, to create a PK-12 Regional School District, in the form approved by the School Committee on October 20, 2010, which includes, but is not limited to, the establishment of the manner of nominating and electing members of the Regional School Committee, establishment of a Regional Finance Committee, the location and leasing of schools in both Towns, the apportionment and payment of costs incurred by the District, student transportation responsibilities, admission of additional towns, withdrawal from the District, termination of the Agreement, and the incurring of debt, all as on file with the Town Clerk, or take any other action relative thereto.

Chair Yeatts stated that there will be a meeting at 5:00 PM tomorrow at the Lakeville Library regarding full Regionalization. Chair Yeatts stated that there has been some implication that there is money to hire two (2) teachers, so the Towns do not need to fully regionalize. Yes, there is money, but that money is in the Water Stabilization Account and that is for repayment of the loan for the water tower. Mr. Healy asked what the responsibilities were between the two (2) towns for the repair and upkeep of their elementary schools. Mr. McCarthy responded that each Town will maintain ownership of their buildings and regular maintenance will be the responsibility of the School District. An amount of \$5,000 has been budgeted for capital improvements and that is what is in other agreements. For instance, if the boiler goes, then that is the responsibility of the Town. The computers in the library were replaced and that is a school budget item. Mr. Healy asked if this has any effect on the unions and the Towns' effect in dealing with the unions. Mr. McCarthy responded that it did not. Mr. Healy asked how the four on four meets the requirements of the State. Mr. McCarthy responded that Massachusetts allows five (5) ways to meet the one man, one vote. The first method is to have an unbalanced committee, which is based on population. Based on the last census, Lakeville would have more representation and it would be a 5 to 4 split. When the 2010 census information comes out, that could change if the population of the Towns is different. That was the method in the first draft that the Committee initially presented. For the 51 years that the two (2) Towns have had this agreement, it has been an equal split of Regional School Committee Members. The second way

is weighted votes. Lakeville's votes would weigh more than Freetown's. Chair Yeatts explained that that is how Plymouth County does it. Mr. McCarthy said then there would be elections across the Towns, so there would be an equal number. A person would have to run for election in both Towns. It is suggested to do this bi-annually, however, the Towns would like to do it annually. There are also other ways for appointments, but we chose not to do them. If the process was to be biannual, then there would be a transitional committee for two (2) years. If this can be done annually, then it will take place this spring. The Regional School Committee would be re-elected in the spring. There was no language in the agreement if special legislation does not take place. The necessary language has been added. Mr. Healy asked if this will stand up to scrutiny if someone takes it to court? Mr. McCarthy responded that Attorney Long researched the case law on this, and he is of the opinion that this will hold up in court. Kopelman and Paige have also provided input for clarification. The Towns are not in compliance now, but this is how it always has been done, and it has not been challenged to date. The same attorney for both Towns wrote the language, so they are looking out for both Towns.

Mr. Goodfellow stated that someone will probably ask what it means to run for both Towns, and that needs to be clarified. Robert Canessa of 19 Baker Lane asked if the Freetown and Lakeville school custodians and cafeteria workers were union or non union. Mr. McCarthy responded that they were both non union. Mr. Canessa asked how that is going to be combined. Mr. McCarthy stated that Aramark handles the Regional employees. Assawompset School employees are Town employees. This will be going out to bid, and the agreement states that each Town will retain its present employees. The Towns can choose to do its own food services or they can go with an outside service. The condition is in place that the Towns have to offer the positions to its present employees. It is intended to bring the custodians in as employees for the Region. The question is, do they have to join the union and what about maintaining seniority for them? The ultimate goal is to make sure that all employees in both Towns are offered positions with the Region. Mr. Canessa asked what if someone goes in as a non-union employee then becomes union. They are now at the bottom for seniority. Will they get cut if there are layoffs? Mr. McCarthy responded that is not the intention. They will probably want to come into the union, and they will come in with their current status. The other option is that they do not join the union. The teachers, paraprofessionals and secretaries fit in nicely, since they are all part of the same union.

Selectman Olivier asked further questions about the one man, one vote. The bi-annual election is still four to four, so any option is four to four for both the Towns. It is just the current way that this is being operated. The other question is Section B, Capital Costs: it is missing, referring to the agreement in place with GRAIS. Mr. McCarthy explained that was in place at the original Town Meeting and should be attached to the agreement. Selectman Olivier questioned Section 12, page 15, the environment of pupils: *no student will be transported from the Town that they reside in without permanent vote of the committee*. Then in Exhibit 1, it allows Lakeville to put the fourth grade at GRAIS, thus it references agreement one, so that is still in place. Mr. McCarthy agreed; Exhibit 1 is the binding agreement. That allows Lakeville a certain number of students in GRAIS. The amount is thought to be 550 students, based on that agreement. The 2/3's language of assigning students, the GRAIS agreement of 2001 would override any 2/3's vote. Lakeville is paying for a good portion of the renovation costs. The issue with the 2/3's language was to satisfy parents and their concerns that we were not just

going to move students all over the place without consideration of where they lived. We wanted to assure them that this would not be a random number of students. There are other agreements that say you cannot move anymore than 20 students in a year, and that ties your hands, but it is out there with others. We want to assure parents that is not the case. We want to have the best use of GRAIS. Educationally, this is one of the strongest reasons why we are entering into this agreement. The other issue that Lakeville should be concerned about is that Assawompset is showing its age and at some point, we have to decide if we will be doing renovations there, and if so, where will we put the students? Possibly at GRAIS if there is room. That can be done now, but it would cost a lot to do that. In a fully regionalized budget, that is just absorbed into the budget.

Selectman Olivier asked how he is getting around the agreement with Exhibit 1. Mr. McCarthy explained that is how it is now, but it is not in the fully regionalized agreement. It says you are allowed up to a certain number of seats; it does not portion the costs. There is no cost in moving fourth grade teachers. However, you have to pay a portion of the other staff in that building, so we will have to decide on the charge backs for the support staff that will be moved over. Moving one grade alone will cost about \$500,000. That is what it cost two (2) years ago. If the Towns stay separate, you are still faced with the problem. You still have the fourth grade problem. Educationally, having only one (1) grade in a school does not work. That is one of the biggest reasons why we should be doing this. Solving the fifth grade issue is even bigger than the class size issue. Taking students in from two (2) different districts, and then dividing them into the sixth grade, that is not good for them at all. Selectman Olivier asked if the extra cost would be part of the budget. Mr. McCarthy responded that it would be part of the Region's budget. This will be made clear on Monday night. The flexibility that the Towns will have and the additional 4% that will come from the State with the SBA for renovations. The Towns would not get that if they stayed separate. Transportation is 54% rather than 90%. That number may be even a little less next year.

Selectman Maksy asked how the enrollment numbers are being looked at. Mr. McCarthy responded that the Kindergarten numbers are smaller. From a growth point, the enrollment figures have stabilized, and the numbers are starting to trend down. 750 students could be kept at Assawompset, but once the class sizes start to be broken down, then there is no room. Ms. Garbitt pointed out that the enrollment number dropped to 715 from 742. Mr. McCarthy noted that it is a Massachusetts trend; the whole State is trending down with enrollment. There has been some pulling out of students to other schools, but with the addition of the apartments, that has made up for some of the loss. Birth rates are down. Ms. McRae stated that the agreement for GRAIS is 109 students for Freetown. If we are fully regionalized, would they put in 200 without paying more? Mr. McCarthy responded that Freetown has 109 students they can put in GRAIS. The more students that they put in there, the more they would pay. Educationally, we should have more students in that building. They do not have a space problem at Freetown, but that is since class sizes are so big. With the Regional Agreement, we can add more students. Sherry Barron of 6 Sassamon Circle asked if we regionalize, would we have to ask for a vote from the Regional School Committee to move a few students over there. Mr. McCarthy responded that according to the agreement, Lakeville can do that already. That part of the agreement was made in 2001. Essentially you have those slots, and those would stay in, in either case. It is about \$500,000 to move a grade over there, but if the Towns fully regionalize, that

cost will get absorbed into the budget, and a vote is not needed. The agreement overrides the 2/3's vote. It was decided to keep agreements in place rather than go back and try to rewrite them. Further clarification was provided by Mr. McCarthy. Selectman Olivier stated that the Town has a lawyer on the Finance Committee, and he would like to ask him about the assignment of pupils since it should say it supersedes but it does not. Mr. Healy stated that that is his impression as well.

Mr. McCarthy stated that with the best case scenario, you are taking the current program forward. There are low class sizes at the High School. The instructional staff at the High School will have to be consolidated for the Elementary School. Under a level service budget it would not be fair to say that there is no impact for the High School, but we do not know what our revenue is going to be. We have had several projections so far. We have some major financial challenges facing us, whether we come together or stay apart. By coming together, we can use the resources and direct them to the greatest needs. Lowering class size at Assawompset is the primary need. We need to lower class size, but there will be pain felt somewhere else. The average middle school class sizes are about 26-27 students. In the High School, it is 20.6. There will probably be some shifting that would have to take place. Mr. Healy pointed out that the numbers at the High School are skewed with such classes as cooking, etc. Some classes have ten in them, and then there are twenty-six in an English class, so is 20.6 a real number. Mr. McCarthy responded that it is, but it is skewed by different factors. Sometimes a particular class will not take place unless there are at least fifteen students in the class. Those are tough decisions to make, since you may be taking classes away that students may want, but in tough economic times, those are choices you have to make since you cannot offer everything. Ms. Hopkins stated that the Superintendent has always said that you do not want to raise class sizes in the High School, but you need to have lower class sizes in the Elementary Schools. Mr. McCarthy stated that if a student does not get the fundamentals in elementary school, then the Special Education numbers will go up and that has an impact. Chair Yeatts mentioned that she spent a half day in a first grade classroom of 29 students in Fall River. There was no aide, only one teacher and she did not think that the students learned anything that entire day.

Mr. McCarthy explained that the teachers are facing an incredible challenge. They are working so hard. If full regionalization does not pass, then we will have to come back and look at this. Our Middle School right now is doing well, but it is in a Level Three status, Year Two of restructuring. If in the spring they do not meet AYP, then it will change to Level Four. There are no Level Five schools. Next, the State will start to come in and tell you what they want you to do. If they hit a fifth year, then they go to a Level Four. The State would have us fire staff, etc. Mr. Orrall asked why does the Superintendent believe that the Middle School is not meeting AYP. Mr. McCarthy responded that there are many factors. Looking at the current structure, we are essentially three (3) districts. The curriculum is very different coming out of the two (2) districts. The grade transition of GRAIS is having a huge impact on what is happening at the Middle School. The fifth grade teachers do not get to really know the students and work with them. Middle School becomes more challenging. The eighth grade scores are better and the best in the district, but the sixth and seventh grades is where we are running into trouble. Ms. Hopkins asked if the Superintendent was referring to emotional needs. Mr. McCarthy responded that it was emotional and educational. When a student is changing between Towns and schools, this has the most impact on them. Transitions are very crucial for

students. The grade span should be at least three (3) years. Surveys will be conducted with parents to find out what they would like to see happen with their schools. Whenever you are moving students around, you want to make sure that the parents are very involved in the process. There are space and educational benefits included in the current agreement. Further discussion ensued.

Mr. Orrall stated that he wanted to follow up on what happens at the High School and the shifting around of teachers. He had read a study about overlapping administrative duties. Mr. McCarthy noted that it was the NESDEC study of 2008. Mr. Orrall stated that it tends to make sense that if it was identified, by combining duties, then you have an overlap, then administration can be reduced to fund other things. Is that being looked at? Mr. McCarthy responded that it is not. There is another report done by the DESE on their website, the Central Office capacity of Regionalized School Districts. Both reports need to be looked at in tandem. Basically the NESDEC study reads that if you are fully regionalized, then the Central Office team would have 1.5 days a week to spend on supervision, evaluation, and education issues, versus management of triplicate duties. You will get a better school district if you do that. The Administrator can be more of the educational leader rather than the manager of all these systems in triplicate. It is not so much the savings of cutting an administrator here or there, it is that you do get a better bang for your buck in Regionalization. Our major problem is not administration. It is the need to get teachers into the classrooms and bringing down class size. You are not looking cutting administrators. Further discussion took place on the topic. Mr. Healy asked if there have been any similar situations of adding elementary schools and it leading to an increase in MCAS scores by doing this. Mr. McCarthy responded that there were. In 1998 Whitman-Hanson saw this. They had two (2) middle schools. That is a good example to look at. There are several examples out there of districts that have done this and they are doing fine. However, there are some that have not fully regionalized and they are doing alright. There are very few communities with Lakeville's unique problems; the fifth grade transition is really unique.

Mr. Goodfellow stated he felt that it would be very important that an attorney that is familiar with the agreement be present to answer questions. Mr. McCarthy responded that Attorney Long could be asked to attend.

Upon a motion made by Mr. Bunn; seconded by Ms. Hopkins it was:

VOTED: That the Finance Committee was in approval of Article 1.  
Unanimous in favor.

Article 2: To see if the Town will vote to authorize the Board of Selectmen to sign an Inter-municipal Agreement for regional cooperation in the provision of solid waste and recycling services by the South Shore Recycling Cooperative, and to see if the Town will vote to accept the provisions of Section 419, Chapter 194 of the Acts of 1998; or take any other action relative thereto.

Chair Yeatts explained Article 2. A representative from the South Shore Recycling Cooperative gave a presentation regarding their organization. The Superintendent of Streets was also in attendance at the meeting and had reviewed the information. When the Board weighed

the costs, and the Superintendent of Streets gave his opinion, it was felt that this will not be beneficial for the Town. The Selectmen will recommend voting to table this article indefinitely. The cost would have been \$4,500 per year for dues.

Upon a motion made by Ms. Hopkins; seconded by Mr. Bunn it was:

VOTED: That the Finance Committee take no action on Article 2.  
Unanimous in favor.

Article 3: To see if the Town will vote to accept Commercial Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled "Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010, or take any other action relative thereto.

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

Chair Yeatts reviewed Articles 3 and 4. These articles had come up at the last Special Town Meeting, and the Planning Board did not have enough information to give a recommendation. They now do, and they will explain why they will recommend Commercial Drive and Riverside Drive to be accepted as Town ways. Mr. Healy said how can the Finance Committee vote on something that they have not yet heard about. The Finance Committee has no information on the articles. Chair Yeatts responded that she was at the meeting when the Planning Board voted to recommend the acceptance. Mr. Healy stated that the Finance Committee needs to vote on the article before Town Meeting. Mr. Goodfellow stated that he will be asking the Planning Board to report on the meeting that took place two (2) weeks ago and to state why they feel the roadways should be accepted as Town ways. Mr. Bunn stated that he wants to make sure that all the issues have been addressed and ironed out. Chair Yeatts explained that it was just the bonding and drainage issues and those have been resolved. There will be more construction in the Park and the Town will be able to require bonds, so the Town will be protected. It is also the recommendation of the Superintendent of Streets to approve them as Town ways. Selectman Maksy explained that whether you have Form A or Form B lot, they do not have to finish a subdivision in order for the road to be accepted. The road just has to be up to specifications. Selectman Olivier stated that it is in the bylaws that the Finance Committee can vote on this matter.

Upon a motion made by Mr. Healy; seconded by Mr. Bunn it was:

VOTED: That based upon the information received by the Finance Committee this evening from Chair Yeatts and based upon her attendance at the Planning Board meeting

two weeks ago where the matter was discussed, the Finance Committee would recommends that Riverside Drive and Commercial Drive be approved as Town ways.

Unanimous in favor.

Article 5: 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 indentified 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.

Chair Yeatts said this article is for the Board of Selectmen to convey a perpetual Conservation Restriction to encumber ten (10) acres on the Howland Road property for mitigation regarding the athletic fields project at the Ted Williams Camp. There will also be ten (10) acres set aside for conservation at the Camp. Selectman Maksy asked if Mass Audubon was going to hold the Conservation Restriction, and if so, when did the Board vote to give it to them. Chair Yeatts explained that someone has to hold the Conservation Restriction. The Town cannot hold its own Conservation Restriction

Upon a motion made by Mr. Healy; seconded by Mr. Bunn it was:

VOTED: That the Finance Committee recommends approval of Article 5.  
Unanimous in favor.

### **Request for Board of Selectmen to discuss the Lakeview Home-344 Bedford Street**

Chair Yeatts then explained that the property adjacent to the Town Office Building, the Lakeview Home at 344 Bedford Street, is for sale. The property contains three (3) parcels of land. The Selectmen had received a letter from Laurie Catalano, dated November 4, 2010, requesting that the Board address the possibility of obtaining a Right-of-First Refusal to purchase the property.

Selectman Maksy stated that he felt that this was a good piece of property for the Town. Ms. Catalano explained that a study was done by Kaestle-Boos that determined that the Town Offices and the Fire Station should stay at their present location. However, if the property behind their location or the parcel next to it was up for sale, that the Town should purchase it and put a public safety building on the property or renovate the buildings since they are not handicapped accessible. There are a lot of issues at the Town Office building, such as egress and access issues. There is so much in storage, and there is no sprinkler system. The Police Station is in horrible shape, but so are the Fire Station and the Town Office. The issues need to be

addressed, and the Town needs to reserve a site so that it can be shovel ready if a grant becomes available. Selectman Olivier stated that due to the economic condition of the Town, the Town needs to make best use of its assets. There are no grants available now to build a public safety building, and the Town needs to wait for that to occur. Ms. Catalano stated that she is not suggesting to build a building, just to secure the property. The response time for the Fire Department is really critical and if they go any further away, they will also need a substation. It is cost effective to have a Fire and Police Station together. Chief Hopkins said the Town needs to look at the future for the Town of Lakeville. There have been a lot of other towns that have built a public safety building. It is the tax payers that will pay for it, not the Town of Lakeville. If they say yes, then it is a good thing for the Town of Lakeville.

Chair Yeatts stated that the three (3) parcels total approximately 5.87 acres. The asking price of \$550,000 includes all three (3) properties. Selectman Maksy stated that he has been in support of having all the Town offices together in one (1) building. It does need to go back to the voters to select another site. Ms. Catalano stated that she was not part of the initial study, her husband was, but they have both read the study. She is interested in putting a petition together on the matter. Would the Selectmen be willing to look into investigating this? Selectman Maksy suggested bringing this matter to the Lakeville Development Corporation to look into. Ms. Garbitt stated that she was on the Committee with Chair Yeatts. The Town should go forward with the Design Committee. The grants were for shovel ready projects. A town had their project shovel ready and the American Reinvestment & Recovery Act money was available for them. You never know when a grant will become available. Further discussion took place on the topic. Selectman Maksy stated that most likely the Town will need a Fire Substation. That will not go away. Selectman Olivier stated that he feels that there are other options that need to be vetted out. He would like to see the other options to have a much fuller picture of what the options are. He understands about opportunity and lost opportunity. He does not know what to do with the Right-of-First refusal. He thinks you are committed once you go down that road. Ms. Catalano stated that she feels that the options are very good. The Town has to build a Police Station. Something has to be done about the Fire Station and the Town Office building needs to be made handicapped accessible and made safe with a sprinkler system, etc.

Significant further discussion took place regarding the advantages and disadvantages of the matter and taking into consideration the economic financial picture. Also, the fact that even if the townspeople did vote to build a public safety building, the Town would still be responsible for the operating costs of the building once it is built. Mr. Catalano stated that the conclusion in the Kaestle Boos report was that the area is a prime location, and the land is available now. The Town made the right choice about Ted Williams Camp and that was during tough times.

#### **Follow-up to Town Meeting vote – Bruce Malenfant**

Chair Yeatts stated that Selectman Maksy requested that she put this item on the agenda. Selectman Maksy stated that this issue needs to be resolved regarding the Town Meeting's vote for the Selectmen to hold a hearing regarding Bruce Malenfant. He felt the Board owes it to the general public to explain whether we are going to hold a hearing on this. Town Meeting was not aware of the legal reasons why we do not have to hold a hearing. He has always felt that the Chain of Command is very important in every Department. For us to consider giving Mr.



Malenfant a hearing on this will lead to anyone else that is at odds with their Department Head to request a hearing before the Board. He did not want to go down that road. There is too much liability for the Town to open this up for all at will employees. We need to vote on this. We did not take an actual vote after the Town Meeting vote. Town Meeting asked us to do this. At will employees are not entitled to a hearing before the Board of Selectman. We should not open this up for a hearing.

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

VOTED: That at will employees are not entitled to a hearing. We rely on the authority of the Supervisor, Manager or Police Chief/Fire Chief that is responsible for supervising that employee to run their department with or without the employee as they see fit. It is their responsibility and we are not going to get involved in telling them how to run their department for at will employees.  
Unanimous in favor.

Bruce Malenfant stated it was his understanding that your Chain of Command was circumvented on December 30, 2009. The Board went into Executive Session and overruled the Strong Chief's decision about an employee that was terminated, and the Board put him on unemployment. So don't tell him that the Board has not circumvented the Strong Chief. Selectman Maksy asked if that was for an at will employee. Mr. Malenfant did not know. Selectman Maksy said the Board has not.

The Finance Committee adjourned their meeting at 9:30 PM.

### **Review Preliminary Plan for Gillian Drive for Planning Board**

Chair Yeatts stated that Gillian Drive is located off of Jaime's way. The Board of Selectmen then went over the plans. Selectman Maksy stated that his only concern was the grade going in.

### **Request for Curb Cut – 200 Kenneth Welch Drive**

Chair Yeatts stated that the company that is going into 200 Kenneth Welch Drive is VitalMed. They had a ground breaking ceremony on Friday that she and the Town Administrator attended. VitalMed has applied for a curb cut. Superintendent of Streets Chris Peck has reviewed the request and has recommended the following:

- 1. The Applicant should repair any damage to the roadway or the adjacent grass strips that may occur during the installation of the access drive.*
- 2. The Applicant should provide a construction entrance a minimum entrance length of 50 feet and a width of 20 feet. The stone size should be a 6" stone base with 1 ½" stone placed on top. The Applicant is responsible for maintaining the construction entrance until the bituminous concrete binder course is placed.*
- 3. It is recommended that the Applicant/Contractor retain the existing roadway berm in order to prevent stormwater runoff from Kenneth Welch Drive from entering the work site.*

4. *The Contractor should contact “Dig Safe” prior to commencement of work.*
5. *In the case that the roadway pavement is required to be cut, the contractor shall perform any trench excavation, backfill and asphalt patching in accordance with the Town of Lakeville Road Opening Permit specifications.*

The Planning Board approved the Curb Cut during their Site Plan Review Process. However, the plan has been downsized, but the driveway has not changed.

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

VOTED: To approve the curb cut for 200 Kenneth Welch Drive with the conditions noted in the Superintendent of Streets letter as listed above.  
Unanimous in favor.

#### **Discuss request to hold Multiple Sclerosis Annual Bike Ride on June 25-June 26, 2011**

Chair Yeatts read the request from the Multiple Sclerosis Society to allow the bicycle riders to ride through Lakeville for their annual race.

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

VOTED: To approve the Cape Cod Getaway MS Bike Ride on June 25 and 26, 2011 with the same conditions as were in place last year, pending the approval from the Police and Fire Chiefs.  
Unanimous in favor.

#### **Discuss extending closing hours for Package Store Liquor Licenses-Christmas Eve & New Year's Eve**

Chair Yeatts stated that the ABCC allows the Local Licensing Authority to extend the Christmas Eve and New Year's Eve package store closing hours until 11:30 PM. In the past, the Board has kept with the standard 11:00 PM closing times. Selectman Maksy asked if anyone has complained about the times. Ms. Garbitt responded that there were no objections.

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

VOTED: Not to extend the closing hours at package stores on Christmas Eve and New Year's Eve to 11:30 and to leave them with the standard 11:00 PM closing times.  
Unanimous in favor.

#### **Discuss extending closing hours for On-Premises Liquor Licenses-New Year's Eve**

Chair Yeatts stated that the Board, acting as the Local Licensing Authority, is allowed to extend the “last call” hours on New Year's Eve for restaurants with liquor licenses until 1:30 AM with all patrons out at 2:00 AM. The Board has done this in past years.

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

VOTED: To approve the extension of “last call” hours on New Year’s Eve for restaurants with liquor licenses until 1:30 AM with all patrons out at 2:00 AM.  
Unanimous in favor.

**Vote to accept resignation of Thomas Cirignano from Cable TV Advisory Committee**

Chair Yeatts read the resignation letter from Thomas Cirignano into the record.

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

VOTED: To accept the resignation of Thomas Cirignano from the Cable TV Advisory Committee and to send him a letter of thanks for time served.  
Unanimous in favor.

**Request for reappointment of Call Firefighters**

Chair Yeatts read the letter from Fire Chief Hopkins requesting the reappointment of Call Firefighters.

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

VOTED: To reappoint Kyle Barratt, Nathan Darling, Glen Edington Jr., Wayne Morse, Robert Porazzo, Chris Carmichael, Joseph Sargo, John Parlatore, Richard Nolan, Edwin Harkey, Jared Darling, David DeBest, Michael McCullough, and Jason Vigers as Call Firefighters with an expiration date of July 31, 2011.  
Unanimous in favor.

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

VOTED: To extend Call Firefighter Kyle Gerrior’s existing term from January 31, 2011 to July 31, 2011.  
Unanimous in favor.

**Request to use Town House & Dickran Diran Square-Lakeville Arts Council**

Chair Yeatts read the request from the Lakeville Arts Council to use the Dickran Diran Square and the Town House for their annual Arts & Music Festival.

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

VOTED: To approve the request of the Lakeville Arts Council to reserve Dickran Diran Square and the Town House for their seventh annual Arts & Music Festival to be held October 1, 2011.  
Unanimous in favor.

### **Request to use Town House-Lakeville Garden Club**

Chair Yeatts read the request from the Lakeville Garden Club to use the Town House from May 19 to May 21, 2011 for their Annual Plant Sale.

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

VOTED: To approve the request of the Lakeville Garden Club to use the Town House for their Annual Plant Sale from May 19, 2011 through May 21, 2011.  
Unanimous in favor.

### **Discuss Police Chief Position**

Chair Yeatts noted that the current appointment for Acting Police Chief Frank Alvilhiera is open ended. Ms. Garbitt has spoken to Town Counsel and the Board can promote Mr. Alvilhiera as Police Chief, if they would like. Chair Yeatts said things have been going very well at the Police Station. Before Mr. Alvilhiera was appointed to the position, there was a problem every other week. Everything seems to have quieted down. He is very polite and he emails Ms. Garbitt to keep her informed. Mr. Alvilhiera will get his Master's Degree in December. She is really happy that we do not have the problems there that we did in the past. Chair Yeatts said she would like to see him promoted to Chief. Selectman Maksy agreed and said he has heard no complaints. Selectman Olivier stated that typically he would think to ask for other applicants, but he also believes in hiring from within. Mr. Alvilhiera is the right man for the job; he is polite, respectful, efficient, organized and has a good demeanor, so there is no need to go outside to seek further candidates. Chair Yeatts stated that she would like to be on board for the contract negotiations. Selectman Maksy stated that he felt that the entire Board should be involved.

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

VOTED: To offer Frank Alvilhiera the position of Police Chief for the Town of Lakeville and if he accepts, to designate the Board of Selectmen to negotiate a contract with him.  
Unanimous in favor.

### **Review and approve Selectmen's Meeting Minutes: June 28, 2010, July 26, 2010, August 9, 2010, August 24, 2010, August 30, 2010, September 8, 2010 and September 13, 2010**

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

VOTED: To approve the Selectmen's Meeting Minutes of June 28, 2010 with the amendment on page four: To re-open the hearing at 7:47 PM to be changed to: *To re-open the Logan Earth Removal hearing at 7:47 PM.*  
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 July 26, 2010 as presented.  
Unanimous in favor.

The remaining sets of minutes were tabled as they were missing pages. They will be placed on the next agenda.

### **Review and approve Executive Session Minutes: November 8, 2010**

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

VOTED: To approve the Executive Session Meeting Minutes of November 8, 2010 as presented.  
Unanimous in favor.

### **New Business**

Chair Yeatts stated that she recently received a call from Carol Tolles of Island Terrace. They have had a problem for years with their septic system, but they have space concerns on the lot. The facility sits up high on the property. The Board of Health and the DEP have been pressuring Island Terrace to put a system in there, and there is no room on the property to do so. She has contacted the Board with an offer. She needs an acre of land to put in a new septic system. The Town owns land on Long Point Road. The Board then reviewed the plans. Ms. Tolles has agreed to donate \$100,000 for Betty's Neck for an acre of land. Chair Yeatts has already talked to the State about this. The State does not want the leaching field on the nursing home property due to the location of the water. She has spoken to two (2) people at the State level, and they did not say no. Chair Yeatts will continue to move forward with this matter and look into it. She was thinking that with the \$100,000, electricity, composting toilets and running water could be installed at Betty's Neck. The State will not allow the money to go into paying the debt. If there is any money left over, the Town would need to put it in the Betty's Neck gift account. The barn will need a new roof at some point. No taxpayer money has been used on that property. Leasing the land from the Town is not an option since the State is not in favor of leasing. Selectman Olivier stated that he would like to see in writing that a portion of the money cannot pay down the debt. Ms. Garbitt stated that the Town bonded the debt and cannot prepay the bond. Chair Yeatts stated that Carol Tolles has agreed to do all of the legwork on this. Selectman Olivier stated that he felt that Chair Yeatts should negotiate to put some of the money away for future costs. Chair Yeatts responded that she will negotiate with her and see what the Town can get for the land from her as well.

Ms. Garbitt stated that the school assessment for the Region is based on the October 1, 2010 enrollment. Last year she had asked the Business Manager to give her a ten (10) year history enrollment. This information was then distributed to the Board. There has been a big drop in the kindergarten enrollment numbers. The figures do not include the Early Childhood Program. Some of the grades have more students, but overall enrollment is down.

Ms. Garbitt stated that she had spoken with the Superintendent of Streets and asked him to put together a priority list of the dead trees in Town. He has presented the list of trees that would be a liability for the Town. The cost is approximately \$10,000, which includes police details, to have these trees taken down. The Town is beginning to get reimbursed for some of the FEMA expenses from the floods. She will check to see if those funds can be used for tree removal.

### **Other Items**

1. Letter from Board of Health regarding 116 Hackett Avenue
2. Letter from Board of Health regarding Twin Coach Estates
3. Letters from Board of Health and Conservation Commission regarding 5 Waterview Drive
4. Letter from Department of Revenue regarding Chapter 40S reimbursement-Kensington Court  
Chair Yeatts suggested that the Board consider contacting Representative Canessa on this. Ms. Garbitt stated that she had. Selectman Olivier called about the 40S payments, and the Town being eligible for \$40,000. After they go back into session in January, Selectman Olivier will make that a priority. This topic will be put on a future agenda as a discussion topic for the Board of Selectmen.
5. Notice from ABCC regarding Prohibiting the Sale of Alcoholic Beverages that Contain Caffeine
6. Notice of Plymouth County Collectors/Treasurers meeting regarding the Senior Tax Workoff
7. Notice from Plymouth County Mosquito Control regarding Preliminary Proposed Budget for FY12
8. Notice of conference – SE Massachusetts Council on Sustainability-December 2, 2010
9. Comcast Connections Newsletter

### **Adjournment**

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

VOTED: To adjourn the Board of Selectmen's meeting at 10:20 PM.  
Unanimous in favor.