

**TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
December 6, 2010-6:30 PM**

On December 6, 2010, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chair Yeatts at 6:30 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 was tape recording for The Middleborough Gazette.

Vote to accept resignation of Randall Kenney from Conservation Commission

Chair Yeatts read his Mr. Kenney's resignation into the record.

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

VOTED: To accept the resignation of Randall Kenney and to send him a letter of thanks for his service.
Unanimous in favor.

Discuss request for appointment of Linda Grubb and Pamela Rasa to Conservation Commission

Chair Yeatts suggested having Ms. Grubb's term expire in 2012 and for Ms. Rasa's term to expire in July of 2011 so the terms are staggered. Selectman Maksy asked if the current opening was advertised. Chair Yeatts responded that one (1) position was vacant; however, there have been three (3) open spots for a long time. The vacancies have even been announced at Town Meeting. It is very difficult to get people to step up to serve on the Conservation Commission. The Selectmen appointed two (2) position,s and there is still one (1) opening available. Selectman Maksy asked to have the vacancies advertised and to hold off on appointing anyone to the Conservation Commission at this time. Selectman Olivier stated that he agreed that all vacancies should be advertised to see if there are any people interested in serving. We should at least go through the process. Chair Yeatts stated that the Conservation Commission meets tomorrow night, and she wanted to make sure that they had additional members for quorum purposes. Massachusetts General Laws Chapter 140 says that Associate Members are not allowed to vote. Selectman Maksy stated we do have great candidates, but we still have to advertise that there are openings.

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

VOTED: To appoint Pamela Rasa to be a full member of the Conservation Commission with her appointment expiring July 31, 2011. The remaining vacancies will be advertised and appointed at the next Board of Selectmen's meeting. Letters of interest are to be sent to the Board of Selectmen by December 15, 2010.
Unanimous in favor.

Update from Linda Grubb regarding Rail Safety Training Course

Ms. Grubb stated that Mass Audubon was giving the opportunity to tour the rail lines in the Great Cedar Swamp. In order to go on the tour, you have to go through a safety training course, which cost \$150.00. The course is approximately two (2) hours. If anyone from the Conservation Commission is doing any delineation, then they may need to be involved in this process.

Selectman Olivier mentioned that there was something that came across the Selectmen's desks about mitigation money for any Town that is impacted by the expansion of the rail. Could that be used to pay for the training? Ms. Garbitt stated that the funding money is through SRPEDD. She is attending a SRPEDD meeting Wednesday night and will check into it. Selectman Maksy stated that for the Conservation Commission to go out there for anything, they cannot be required to take the course. Ms. Grubb stated that there is no other way to get there unless you go over the tracks. Selectman Maksy stated that typically the Conservation Commission has full authority to go out where ever they need to. Ms. Grubb stated that that is what she said, but they still say you have to take the class. The Conservation Commission has never signed off on the maintenance agreements for the lines since they have not been able to go out and see what is going on. We assume that they are maintaining the line as they normally would. Chair Yeatts stated that at the next meeting, that should be on the agenda. Selectman Maksy stated that he cannot believe they are charging for this. Ms. Grubb stated that Kristina Egan and the two (2) members from SRPEDD had to pay to go through the course.

Selectman Maksy stated that if you are under a Conservation Enforcement Order, they should not require you to take a course. Chair Yeatts stated that about five (5) years ago they had the Conservation Commission go out there. Ms. Grubb stated that that was before Mass Coastal came on board and they are insisting on the training. Selectman Olivier asked what the charge is of the Task Force. Ms. Grubb responded that it is to help the communities handle any issues that may come up with the possibilities of a rail line coming through their Town. Our cemetery is still up in the air. They did not know we had a cemetery that was in danger of being blocked off by the rail. Selectman Olivier asked if the Conservation Commission is a separate issue. Ms. Grubb responded that it is from the cemetery. Selectman Olivier asked if it was from a wetlands perspective. Ms. Grubb responded that her appointment to the Task Force was specifically done because of her desire to see the Great Cedar Swamp protected. Chawner Hurd was the representative before Ms. Grubb. Chair Yeatts stated that Ms. Garbitt will reimburse Ms. Grubb if she is provided with the receipt. She found this to be scandalous that State Employees, Town Representatives and volunteers are being charged. She asked Ms. Garbitt to look into this.

Discuss renewal of contracts for boarding services at the Lakeville Animal Shelter

David Frates, Animal Control Officer, was present for the discussion. He stated that there had only been a minor problem with the Town of Bridgewater, and it was resolved. The Town has collected approximately \$18,000 so far this year from the shelter. The Shelter has not run into any space issues. No dog has had to be euthanized for lack of space. Ms. Craig stated that the Town does not have a contract with the Town of Wareham at this time. Mr. Frates explained that Wareham is on an as needed basis.

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

VOTED: To renew the contracts for the Towns of Carver, Berkley, Rochester, Freetown, Raynham, and Bridgewater for boarding dogs at the shelter. Contracts will expire December 31, 2011.
Unanimous in favor.

Review and vote to renew Annual Liquor Licenses

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

VOTED: To approve a Retail Package Store Wine & Malt License, to expire December 31, 2011, for Paul F. Grasso, d/b/a Tutto Italiano, and Gulf Resources, Inc.
Unanimous in favor.

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

VOTED: To approve a Retail Package Store All Alcohol License, to expire on December 31, 2011, for: Savas Liquors, Inc.; BBP, Inc., d/b/a Muckey's; Tamarack Wine & Spirits, Inc. and Joseph R. Starr, d/b/a Starr's Country Market.
Unanimous in favor.

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

VOTED: To approve a Restaurant All Alcohol License, to expire on December 31, 2011, for: A Frame LLC, dba A Frame Bar & Grill; Camp Joe Hooker, Inc.; Hawaii Corporation, d/b/a Orchid of Hawaii; Poquoy Investment Group, Ltd.; Reservoir Heights, Inc., d/b/a Lakeville Country Club; LeBaron Operating Company, LLD dba LeBaron Hills Country Club and The Back Nine Club, Inc.
Unanimous in favor.

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

VOTED: To approve a General On Premise Wine & Malt License, to expire on December 31, 2011, for Lakeville Virtual Entertainment Group, Inc.
Unanimous in favor.

Ms. Craig told the Board members that the Lakeville Eagles Club had missed the November 30, 2010 renewal deadline for their Club License. A representative from the Lakeville Eagles Club asked if there was any recourse, since they were only late by two (2) days. Chair Yeatts stated this is State statute, and it is beyond the purview of the Board of Selectmen. Ms. Craig explained that November 30th was the last date to get the renewal forms in. Now they have to apply for a new license and go through the whole procedure. Ms. Craig received the renewal applications around the end of October from the ABCC and were mailed out to the applicants. They are to be filled out and returned by November 30th. She had sent them out November 1st and called and emailed the five (5) licensees that had not returned their renewal applications.

Based on advertising requirements, the earliest the hearing for the new license could be held is December 27, 2010. Then she would need to forward the application to the ABCC for their investigation. Chair Yeatts asked if advertising in the Standard Times would move the date up so that the Board does not have to meet on December 27th. Ms. Craig responded that she would have to call the Standard Times since she does not typically use them for advertising and get their advertising deadlines. She would need their application to be in here on the 10th of this month for the December 20th meeting. Chair Yeatts told the Eagle's Representative to fill out the application and get it back to Ms. Craig as soon as possible.

Ms. Craig stated that getting the Eagles license renewals in on time has been a problem for years. She would be provided with a contact name, email or a phone number, but then it changes and she is not notified. This is part of the problem, communication. Chair Yeatts told the Eagle's Representative that the Board is going to help them out this time, but they have been put on notice. We will get you a certified abutters list from the Assessors. Ms. Craig stated that she had told them about the abutters list, and they may have gone over to the Assessor's Office already to obtain the list. Robert Poillucci, Board of Health member, stated that the Eagles are currently closed by the Board of Health for serving food, so does the Board of Health have to sign off on them. Chair Yeatts responded that before the Selectmen approve any license, they would respectfully ask the Board of Health for their input and consideration. Ms. Garbitt stated that she has Board of Health information for everyone regarding the status of the Eagles Club, which she distributed.

Review Site Plan-Leopold Rousseau-167 Bedford Street

Leopold Rousseau was present for the discussion. Chair Yeatts stated that the Board now has Town Counsel's opinion. Ms. Garbitt noted that the cover memo that Ms. Craig had provided to the Board no longer pertains. Chair Yeatts stated that Town Counsel said that Mr. Rousseau needs to apply to the Zoning Board of Appeals (ZBA) for a Special Permit and to the Planning Board for Site Plan Review. Mr. Rousseau stated that he is going before the Planning Board tomorrow. Chair Yeatts stated that he needs to file immediately if he wants to get on the ZBA schedule. Ms. Garbitt stated that the Building Commissioner thought it would be a Planning Board Special Permit. Chair Yeatts stated that Town Counsel is looking at the building as an annex to the main building and the Planning Board still has to do site plan review. Further discussion ensued regarding the details for clarification to Mr. Rousseau. Chair Yeatts stated that he needs to get on the schedule for the ZBA. If he waits too long, he will not get a spot; they are already filling up the spaces. They typically meet the third Thursday of the month.

Request for renewal of Temporary Trailer Permit-2 Commercial Drive

Chair Yeatts said the Board had received an application for renewal of a Temporary Trailer Permit for 2 Commercial Drive.

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

VOTED: To approve the request of Pilot Construction to renew their Temporary Trailer Permit for 2 Commercial Drive with an expiration date of December 15, 2011.
Unanimous in favor.

Schedule January and February Meetings

The Board set its next meetings for January 10 & 24, 2011 and for February 7 & 28, 2011.

Review and approve Selectmen's Meeting Minutes: August 9, 2010, August 24, 2010, August 30, 2010, September 8, 2010 and September 13, 2010

Selectman Olivier commented about the Pre-K to Grade Five Regional School Agreement. Cindy McRae, Town Accountant, had made comments regarding the revenue sources that were not included in the Annual Report. Since effective July 1st there will be a Regional Finance Committee formed, everyone needs to make sure that the comments are taken into consideration. This is just a reminder.

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

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

Chair Yeatts pointed out that the 4th line down on the August 24th minutes, regarding the Sysco discussion, Attorney Robert Mather said that we were very generous. She would rather have it say that, "the Board of Selectmen has been very generous having many meetings". It should say, "Board of Selectmen", not we. It was agreed for it to read the Town instead. Also, the land overlay for the land is 50 acres, the required overlay, and ten lines down on page two needs to be clarified. "The required land area for the Industrial C overlay is 50 acres." It also should read, "Said", not ed on the bottom of the page.

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

VOTED: To approve the Selectmen's Meeting Minutes of August 24, 2010 as amended.
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 August 30, 2010 as presented.
Unanimous in favor.

Regarding the September 8, 2010 minutes, second paragraph 7 lines down, the Transportation Demand Management was put in there to make it friendlier.

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

VOTED: To approve the Selectmen's Meeting Minutes of September 8, 2010 as amended.
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 September 13, 2010 as presented.
Unanimous in favor.

New Business

Robert Poillucci, Board of Health member, stated that he has come across an issue regarding Conflict of Interest and has provided the Board with information. The Board of Health is not designated as Special Municipal Employees. It was thought that they were and so they have acted as such since they left the Selectmen. Mr. Poillucci is working on a development on Bridge Street and had a few questions for the State Ethics Commission. He was told that if he (or the rest of the Board of Health members) is not designated as Special Municipal Employees, then the members cannot pull any permits in the Town. The State Ethics Commission sent information of what they can do and what they cannot do. Even with the designation, he would still be limited to what he could do. He is supposed to close by the date of the Selectmen's next meeting and would need the designation prior to that. Chair Yeatts read a list to Selectman Olivier and Selectman Maksy of which Boards, Committees and Commissions are currently designated as Special Municipal Employee. This includes the Historical Commission, the Conservation Commission, the ZBA, the Cemetery Commission, the Board of Registrars, and the Library Board of Trustees. The designation does not apply to an individual member, it is the entity.

Mr. Poillucci stated that he started speaking to Phil McCarron about his Bridge Street project to negotiate the purchase. He had spoken to Chair Yeatts a while back about this project and she asked him to wait until the Sysco discussions were over. Mr. Poillucci eventually bought the property at the foreclosure sale. This matter came up because Mr. McCarron owed the Board of Health \$500 for a review fee. Mr. Poillucci decided that he would pay it and that was the conversation that started all this.

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

VOTED: To appoint the Board of Health members as Special Municipal Employees in perpetuity.
Unanimous in favor.

Chair Yeatts stated that William Garvey, Jr. requested that he wanted to use his contractor's license to pull the permit for the Ted Williams Commissary for the renovations. Robert Iafrate, Building Commissioner, will oversee the work. So the Board needs to vote to have or appoint Bill Garvey as the Town's Agent to pull the permits for the renovations for the Ted Williams

Commissary. Selectman Olivier asked about the liability and hold harmless or insurance for it. Selectman Maksy responded that Mr. Garvey is still liable since it is his license, whether he is there or not. The workmanship is what will be looked at. Chair Yeatts stated that the Board will run it by the Towns Insurance Agent and do whatever is deemed necessary.

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

VOTED: To appoint William Garvey, Jr. as the Towns Agent to pull permits for the renovations for the Ted Williams Commissary.
Unanimous in favor.

Chair Yeatts told Selectman Olivier that the Board has to set the tax rate by the end of the year and the information has not yet been received from the Board of Assessors. She does not want to have a meeting on the 27th of December. She requested that he contact Dana Lucas to discuss this. Ms. Garbitt stated that the Town will have to advertise the hearing in the Standard Times since they have missed the deadline for The Gazette. The Assessors have communicated that they have had problems with the commercial evaluations. The Department of Revenue has to approve the rate when we get the information. If the rate is not set, then the Town has to send out estimated tax bills.

Selectman Olivier stated that he went to the Local School Committee (LSC) meeting last week and it went pretty well. At the end of the meeting they agreed to hear a presentation on sustainability for public pay. The Superintendent is trying to get the LSC to move forward with a proposal and the way the step increases are for the teachers. It is so fast that it is unsustainable with proposition 2.5%. Mr. McQueeney was trying to streamline it and make it just a 2 .5% increase. This is only salary; no other benefits are taken into consideration. He is just trying to get this addressed because the current salary structure is unsustainable. Selectman Olivier said he was flabbergasted by the response from the Local School Committee. They did not want to do anything. They proposed to just think about it or let the Region deal with it. Mr. McQueeney and the Superintendent were just looking for a motion of support to move forward. Then, he listened to a teacher tell him that she felt so insulted for someone to present something of this nature and how low paid they would have been. He was wondering where is our representation on the School Committee to get this addressed. Ms. Garbitt stated that on December 15th they will be having a meeting at 6:30 PM to review finances. Selectman Maksy suggested to vote Selectman Olivier as the Boards ex officio Regional Finance Committee Member. Chair Yeatts stated that the Board can say that it is their intent to do so. Selectman Olivier stated that the Regional Finance Committee has to be in place before July 1, 2011. Selectman Maksy stated that they will try to get it started before then, but it will not be official. Selectman Olivier suggested that the Board notify the Finance Committee to appoint someone so that they can have representation.

Ms. Garbitt distributed a request from the Girl Scouts to use the Town House for their Annual Coat and Food Drive to be held on December 18th and 19th. The Town House is available and it would be subject to the Girl Scouts of America's insurance.

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

VOTED: To approve the use of the Town House for an Annual Coat and Food Drive by the Girl Scouts on December 18th and 19th, subject to receiving the Insurance Certificate.
Unanimous in favor.

Ms. Garbitt mentioned that the Fire Chief was notified that the Fire Department was eligible for a \$4,000 Emergency Management Grant. It is 100% match, but the Fire Department can use it for any type of expenditure. It can be used for Regional Emergency Centers, Regional Planning, etc. The Fire Chief asked for the Selectmen to give him authorization to apply for this grant. He has until September 30, 2011 to spend the funds.

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

VOTED: To authorize the Fire Chief to apply for the Emergency Management Grant.
Unanimous in favor.

Other Items

1. Email from Thomas Janick thanking Chris Peck and Highway employees
Chair Yeatts read the letter into the record.
2. Letter sent to Taunton Street residents from Attorney Ryder regarding proposed rezoning on Bedford Street
3. Certificate of Compliance-2010-Smart Growth zoning District-Chapter 40R
4. Memo from Town Counsel regarding New Developments in the Open Meeting Law
5. Request from MassDOT-Utility Maintenance Permit
6. Letter from MassDOT regarding work extension period-relocation of Route 79 project
7. Update letter from MEGA
8. Notice of MBTA Advisory Board meeting-December 1, 2010
9. Notice of SRPEDD Commission meeting-December 8, 2010
10. Taunton River Watershed meeting regarding Dam Removal-December 2, 2010
11. Actuarial Valuation as of January 1, 2010-Plymouth County Retirement Board

Adjournment

At 8:10 PM, upon a motion made by Selectman Maksy; seconded by Selectman Olivier, the Board unanimously:

VOTED: To enter into Executive Session to conduct strategy sessions in preparations for negotiations with non union personnel and not to return to Open Session.
Polled vote of Selectman Maksy – aye, Selectman Olivier – aye and Selectman Yeatts – aye.