

SELECTMEN'S MEETING MINUTES

February 22, 2010

On February 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 Chairman Maksy at 7:00 PM. Selectmen present were Selectman Maksy, Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary.

7:00 PM Meet with Phil McCarron regarding Bridge Street Estates

Kenneth Motta from Field Engineering and Phillip McCarron, property owner, was present for the discussion. Mr. Motta said that Mr. McCarron has a 40B project on Bridge Street that has been approved from the Zoning Board of Appeals, but he needs to have municipal water for the project. Right now Middleborough is supplying the water to a single family home on the site, but they consider the project to be a change in use. Since the towns do not have an Inter-Municipal Agreement (IMA), Middleborough will not provide the water. Mr. Motta said that an extension of the Taunton water line would be needed.

Ms. Garbitt said that the City of Taunton was concerned about a dead end when they were approached previously with this request for the proposed 12 unit development. Mr. Motta stated that Mr. McCarron is proposing a 640' 8" line extension down Bridge Street to provide both domestic and fire protection for the development. There is a 12" line from Middleborough and the adjacent properties are tied into that, but this will be a dedicated line for the project. If an abutting project wanted to tie in, they could once they get necessary approvals. They will not have to provide hydrants since there are already Middleborough hydrants between lots 317 and 316 and another hydrant around lot 319. There will probably be a hydrant on the end of the line so that the City of Taunton can flush out the line. They are looking for 2,600 gallons per day based on Title V estimates. If anyone switched over to Taunton water, it would probably be about 330 gallons per day each depending on bedroom count. Mr. McCarron would be responsible for paying for the extension.

Selectman Yeatts said it looks like the line is going right down the middle of the street and crosses over the Middleborough line. Mr. Motta said it is not in the middle of the road, it is on the north side of the street and it will cross over. It will have to cross the Middleborough line at the intersection of Main Street and come across Main Street and be subject to a Mass Highway permit. They would do a wet tap at the 16" line. Selectman Yeatts said we have not talked to anyone else about this, so we would have to take it under advisement. Lakeville will be able to buy the line back from the City of Taunton for \$1 and we would want this to be Lakeville's customer. It would be beneficial to pick up the rest of the residents on that line also. We have discussed taking over that line since that line was paid for through a grant from the State. Selectman Evirs said that is Middleborough water in that line. He asked if the 8" pipe, if it was continued all the way down Bridge Street to the river, would be large enough. Mr. Motta said yes for the existing residences that are there, but perhaps not for the Commonwealth of Massachusetts parcels if they were to be developed. Selectman Evirs said he thought that a 12" line might be better. Mr. McCarron said the 12" line is feasible. Selectman Yeatts said once the lights are in and it is all resurfaced, there will be a moratorium on opening up Bridge Street for a

period of time. Chairman Maksy said if an 8" line is too small, maybe the Town might want to get involved in this and have it be a 12" line. Mr. Motta said he does not think there is any question that a 12" line is preferable. Ms. Garbitt said the City of Taunton may not even approve an extension. We will have to talk with Taunton about that. Selectman Yeatts said she would prefer to talk to Taunton herself rather than hearing from anyone about it second hand. Mr. Motta said they had not worked out all the final details. There may be hydrants on the site and at the end of the line for the flexibility of approving the line. Mr. McCarron said we can also add some hydrants for servicing and clean up. Selectman Yeatts said she will speak to Cathal O'Brien and DEP.

Selectman Evirs said he liked this idea rather than trying to develop an IMA with a neighboring town. His concern is having the pipe large enough to service the entire road with possible development. Mr. Motta said if homeowners do not want to go on Taunton water when the pipe is installed, we could just put the service taps in for the future. Ms. Garbitt said she did not think that people paid a betterment to tie into the Middleborough line. Ms. Garbitt said the water line was installed in the 1980's so it is not that old. Chairman Maksy said he liked the idea that the line will be Lakeville's line. However, we will need to hear from DEP and the City of Taunton. Mr. Motta asked if the Board wanted numbers on build out potential. The Board said yes. Mr. Motta will get the information to Selectman Yeatts and she will speak with the City of Taunton and the DEP. Mr. McCarron asked about tap fees. Chairman Maksy said the Board does have them in place yet. Selectman Yeatts said right now we are working with Taunton to determine betterment fees.

Discuss Board of Water Commissioners and Betterment Fees

Selectman Yeatts said the Board has been talking about creating a Board of Water Commissioners. The Selectmen were appointed as the Water Commissioners at Town Meeting for the time being, however, we are still new at this. Town Counsel has given us ideas, but they do not lead you down the path of what will be the right thing for the Town. We do not know what we are going to charge. Camp, Dresser & McKee (CDM) is the consultant doing the work for the water tower project. She feels that they have the expertise to advise the Selectmen on issues related to the water system. Our research into figuring out the amount to bill has not worked out. We cannot charge a penny a gallon since Taunton measures water in cubic feet, not gallons. We need a consultant to help us. Maybe in 2011, we can put out a referendum question of whether the Water Commission should be an elected or an appointed board. Chairman Maksy said he thought that would be a great idea since the Selectmen have many other responsibilities. He supported the idea of hiring a consultant. We need to make sure the water system will not cost the Town money, since we promised them it would not.

Selectman Yeatts said we have to have hearings for the betterment fees and we need to have a consultant to answer those questions. A few people have expressed interest in being involved, so we should bring them in now so that they learn this from the ground up. Selectman Evirs said the Board should hire a consultant to guide the Selectmen so that it is all up and running properly. We may not buy water by the gallon, but that is how people understand it, so we need to have it represented that way somehow on the billing. Selectman Yeatts will get a proposal from CDM for this.

Vote to approve Warrant for Lakeville Annual Election – April 5, 2010

Selectman Yeatts read the warrant for the Annual Election to be held on April 5, 2010 at the Ted Williams Camp into the record.

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

VOTED: To approve the warrant for the Lakeville Annual Election to be held on April 5, 2010 from 12:00 PM to 8:00 PM.
Unanimous in favor.

Discuss setting the date for the Annual Town Meeting

Ms. Garbitt said she would like to have Town Meeting by May 14th and our bylaw says that the soonest we can have it is the second Monday in May, which would be May 10th. The reason that she would like to have it by May 14th is so the Town could adopt the Stretch Code, which would allow us to go after grant money. We would need to educate the townspeople on what adopting the stretch code would mean.

Chairman Maksy said this would be a culture change for our community. He would like to hear from the Building Commissioner before going forward with a bylaw. Selectman Evirs said “going green” costs money and to jump into it to try and chase grant money may not necessarily be the right thing to do. Ms. Garbitt said there is \$10 million available right now in grant money. Normally we postpone the Town Meeting until June to get a better handle on the State Aid numbers, but we basically know that right now. We could always have a Special Town Meeting in the fall if there was some major change we needed to make. If we do not hold Town Meeting when the bylaw says, then the Board must vote to postpone it. She recommended that the Board stay with the May 10, 2010 date. Further discussion occurred regarding the scheduling.

Ms. Garbitt said there is a cost to homeowners to implement the Stretch Code. However, they recoup that savings in a number of years. There are also requirements to businesses. Ms. Garbitt said communities are all going after the grant money. She keeps trying to get into seminars on the Stretch Code and they are all booked. We will have to reduce our energy consumption as a municipality by 20% in about five (5) years, and there are other criteria involved. The Stretch Code has to do with enforcing building codes to make buildings more energy efficient.

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

VOTED: To schedule the Annual Town Meeting for May 10, 2010.
Unanimous in favor.

Discuss request from Litter Lifters for Earth Day Event – April 10, 2010

Chairman Maksy said a request had been received from the Lakeville Litter Lifters to use Tamarack Park for their annual Earth Day Event to be held on April 10, 2010. Ms. Garbitt said that the Superintendent of Streets is all set for the event. Selectman Yeatts read the rules into the record. Ms. Garbitt said the event will be run on the local cable channel and asked the press to publicize the event.

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

VOTED: To approve the request for the Litter Lifters to use Tamarack Park on April 10, 2010 from 9:00 AM through 12:00 PM and to assign a Town Dump Truck and an employee for the event.
Unanimous in favor.

Discuss request for Curb Cuts – 100, 102, 104 & 106 Precinct Street

Marcus Baptiste was present for the discussion. Ms. Garbitt said Mr. Baptiste has applied for a building permit for these lots and has been before the Planning Board. It has also been reviewed by the Superintendent of Streets. Chairman Maksy read the letter from the Superintendent of Streets into the record, dated February 8, 2010. Mr. Peck had four (4) general comments for all four (4) lots. Mr. Baptiste said the contractor will do the water taps while the road for the new water line is open. There is an outflow on #102, and he has spoken with Mr. Peck about establishing an easement so that there is a legal right for the pipe to be there. Mr. Baptiste does not have a problem with establishing a berm at the end of the driveway where it meets Precinct Street to help prevent roadway runoff from traveling down the driveways. Ms. Garbitt asked if the houses were going to be higher than the street since on Vaughn Street we have run into that problem. Mr. Baptiste said it would have to be very low spots for that to happen, but even the lowest driveway will be higher than the lowest point. There are no wetlands or Natural Heritage issues on this land.

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

VOTED: To approve the curb cuts on 100, 102, 104 and 106 Precinct Street subject to the Superintendent of Streets general and specific comments on all four (4) lots and that the Superintendent of Streets is kept in the loop during the process. This is also subject to the Planning Board's comment that a paved apron and drainage on Lot 3 be checked during construction by the Superintendent of Streets.
Unanimous in favor.

Revisit Zoning Board of Appeals Petition: 46 Shore Avenue

Chairman Maksy stated that there was one (1) petition from the Zoning Board of Appeals for the Selectmen to review. The Selectmen had previously commented on this petition. Selectman Yeatts said that as far as she was concerned, the application is still incomplete. There are no revision dates on the plan, it still reads October 5, 2009. In the 3rd paragraph, it states that the

Board of Health and Conservation Commission have recommended approval, but they have not seen the revised plans yet. She did not think that the Conservation Commission has the January 19, 2010 plan. It seems that the plans distributed do not match from one Board to another. Selectman Evirs said the footprint is greater than 105%, subject to demolishing a building on the property. They have to conform to the 105% rule. Selectman Yeatts said the old plan had dewatering on it and the new one does not.

Old Business

No old business was brought forward for discussion.

New Business

Ms. Garbitt said that the Board had received a complaint regarding the Betty's Neck Conservation Restriction. Selectman Yeatts said the Decas bogs are graduated for the way their water flows. They lowered the furthest bog away by two (2) feet. The Town owns a strip of land between Terry Edward's property and the Decas property. Instead of paying Edwards to take down the bogs two (2) feet, they traded him the earth that was removed. The Conservation Restriction restricts that. The enforcing agents are the Department of Conservation and Recreation and the Town of Lakeville. Robert Iafrate, Building Commissioner and Selectman Yeatts met with Nick Decas on the site and showed him the land that was altered that was Town owned land. Mr. Decas did not realize that the Town owns the land behind the rental houses. She did not want them to dig the sand off the bank and they need to know where the boundaries are. Selectman Yeatts contacted Fish and Wildlife about getting the property surveyed. Mr. Decas may not know where the 50' easement is either. This has been going on for a while and they removed quite a bit of material. Mr. Decas seemed genuinely shocked about this and all work has stopped. We verbally told Mr. Decas, but we have to notify him in writing. Right now she is working with the Decas family on behalf of the Board to remedy the situation and will keep the Board up to date.

Ms. Garbitt said she would like to have the Selectmen hold a joint meeting with the Finance Committee on March 4th to go over the budget and then schedule joint meetings with the School Department and Department Heads at 7:00 PM.

Other Items

1. Letter from Morse Ready Mix LLC regarding Noise Assessment
Selectman Yeatts asked about the letter dates. Ms. Garbitt received it on February 17th, so the dates are wrong. The Board of Health is meeting this on the 24th and the memo from the DEP is on their agenda. Paul McGillis was informed of this meeting and it is the first item on the Board of Health's agenda. Chairman Maksy will be attending the meeting to see how this goes.
2. Letter from Board of Library Commissioners regarding waiver for FY10
Selectman Evirs said Ms. Garbitt attended the meeting with the Board of Library Commissioners along with Olivia Melo, Library Director, and Selectman Yeatts. The Town got a waiver for the Library. It is not a complete one and comes with a reservation;

however, the Library will still be part of the borrowing and lending group of the area. The Library Commissioners do not do two (2) waivers in a row. With the Municipal Appropriation Requirement formula in the Library budget, they will have to take the past three (3) years of their budget and there will be an increase in the Library's budget.

3. Letter from Southcoast Environmental regarding 180 Main Street
4. SRPEDD meeting notice – February 24, 2010
5. SRPEDD draft report – Park & Ride Study
6. Council on Sustainability Meeting notice – March 11, 2010
7. Information from Plymouth County Cooperative Extension
8. Information regarding Taunton River Watershed Mini-Grants
Selectman Yeatts said that either TEAMS or she would apply for the mini grant. They applied three (3) years ago and received a lot of children's supplies for children to learn how to protect the water. Regarding the CR for Betty's Neck, there can be no permanent structures, so she cannot have a wind turbine at Betty's Neck.
9. Information from Pepsi regarding PSST Program
This will be provided to the Litter Lifters. The program is focused on towns in New England served by The Pepsi Bottling Group that want and need a little extra support. When selected, a Pepsi employee will contact the Town and could work together, i.e. clean up a park, etc., to help bring folks together and provide volunteer work for the town.
10. MMA Legislative Alert regarding Health Insurance
Selectman Yeatts said the Board needs to send a letter stating that plan design is very, very important. Ms. Garbitt said she would like to send letters to the legislators that municipalities be given plan design.

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

VOTED: To send a letter similar to the Form letter regarding House Bill 2509 to Lakeville's legislators.
Unanimous in favor.

11. Notice of 32nd Annual Legislative Reception – Massachusetts Developmental Disabilities Council – March 3, 2010
12. Notice from Verizon of 4th quarter PEG payment
13. Announcement of Verizon 2010 Think Ahead with Thinkfinity Awards
Selectman Yeatts-make sure the schools have a copy of this.
14. Letter from Comcast regarding Xfinity program
15. Letter from Comcast regarding upgrade of on screen Cable Guide for Digital Customers
16. Letter of Resignation received from Park Commissioner John Maloof
Selectman Evirs read the letter into the record that was sent to the Park Commissioners. Ms. Garbitt said this position cannot be placed on the election ballot since it was received too late. This will be a joint appointment to fill the vacancy. Selectman Evirs suggested waiting for letters of interest until after the election.

Adjournment

At 8:55 PM, upon a motion made by Selectman Yeatts; seconded by Selectman Evirs, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel. Specifically, the Board will discuss the Fire and Police Collective Bargaining Agreements and pending litigation.

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