

**SELECTMEN'S MEETING**  
**Monday, February 26, 2007**

On February 26, 2007, the Board of Selectmen held a meeting at 7:02 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Yeatts at 7:00 PM. Selectmen present were: Selectman Evirs and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator and Christine Weston, Recording Secretary.

**7:00 PM Review recommendation from Superintendent of Streets Search Committee for appointment**

*Chuck Hodges, Chairman of the Superintendent of Streets Search Committee was present for the discussion.* Mr. Hodges stated that there were ten (10) applications submitted for the position of Superintendent of Streets. Four (4) applicants met the requirements of the job description and were invited to interview for the position. After the initial interview, the applicants were narrowed down to two (2) very qualified individuals to choose from. They are: Mr. David Fredette and Mr. Christopher Peck. After interviewing both finalists, the Committee recommended that Mr. Peck be offered the position. If Mr. Peck declines the position, then the Committee recommended that Mr. Fredette be offered the position.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To appoint Christopher Peck as the Superintendent of Streets commencing March 26, 2007 through June 30, 2010 subject to final contract negotiations.  
Unanimous in favor.

Selectman Evirs thanked Mr. Hodges for chairing the Superintendent of Streets Committee and for the time that was spent by him and by the other Committee members.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To have the Town Administrator negotiate a contract with Mr. Peck and present it to the Board for final review.  
Unanimous in favor.

Ms. Garbitt mentioned to Mr. Peck that Roger Hamilton, former Highway Surveyor has offered to give Mr. Peck a tour of the facilities and Town.

**7:05 PM Meet with Park Commission regarding Clear Pond restrooms**

*Daniel Hopkins, Chairman of the Park Commission, was present for the discussion.* Chairman Yeatts gave a brief history on what has been taking place with respect to the Clear Pond restroom renovation project. Mr. Hopkins explained that the donation received from

Eastern Bank in the amount of \$25,000.00 two (2) years ago for new restrooms is not sufficient to complete the project. If renovations are done to the present restrooms and a new restroom is added, then the amount may be sufficient. A new roof can be put on and the inside of the building cleared. The present building is not cement block, but a space metal building. The area where the storage space is can be remodeled as a handicapped restroom. The office will remain where it is presently and the insulation replaced. Most of the toilets and fixtures are only a few years old and can be reused. The Park Commissioners have had an architect visit the site and view the restrooms and a new quote will be provided for the project. The cost should only be just over \$21,000 if this is done.

Selectman Evirs stated that the monetary gift from Eastern Bank was for new restrooms; it may be that the Town needs to ask the Bank if they could requalify their gift in order that renovations could take place instead. Mr. Hopkins explained that he has spoken with representatives of the Bank and they have stated (through Irakli Savas, the contact person) that as long as the money is used for Clear Pond, they did not have any difficulty with how it was used. What needs to also be taken into consideration is the fact that the building is only used two to three (2-3) months each year. The building can be renovated and painted so that it will look decent. Chairman Yeatts agreed that something needs to be submitted from the Bank stating that this would be an allowable change from the original documentation of the gift from 2005. A list of what will be done should be drawn up so that it can be provided to the Bank. The restrooms fall within the buffer zone listed by Natural Heritage. However, this should not be a significant factor since repairs can be done and this would basically be a sign off with Natural Heritage. Chairman Yeatts will work on this with the Park Commissioners. With the Bank this is more of a formality since they have been kept in the loop regarding the project from the beginning.

Mr. Hopkins stated that he will get the new estimate and provide the lists as requested, along with a design of how it will look and return to the Selectmen. Ms. Garbitt explained that it will take approximately three to four (3-4) months to complete these renovations and the septic system also needs to be replaced. Ms. Garbitt added that the design for the septic tank will need to go out to bid.

#### **7:15 PM Meet with Steve Furtado regarding Letter of Interest**

*Dr. Stephen Furtado, Superintendent of Schools, was present for the meeting.* Dr. Furtado explained that the procedure of the MSBA (Massachusetts School Building Authority) has changed drastically from the procedures it formally used. A Statement of Interest is needed from the Town regarding the Assawompset Elementary School Roof and the SBA is accepting them at this time. However, this is no guarantee that funding/reimbursement will be received from the State for the project. If funding is not received, then the following year another Statement of Interest is to be submitted and this is the procedure from year to year. Previously the Town would have been placed on a list, now it is a matter of continually submitting the request on a yearly basis. The Statement of Interest requires the signature of the Superintendent, and also approval from the Board of Selectmen and the School Committee. The Statement of Interest for the Feasibility Study will need to be submitted. This is not a request being made to the Town to conduct one at this time, just a holding place in the event that it is required by the State.

Chairman Yeatts asked if the Needs Analysis that was conducted by the State could be submitted to the Building Commissioner. Dr. Furtado responded that that could be done the next day. The State categorized the School building at a three (3). The specifications for the roof will also be provided to Mr. Marot. The MSBA approval Board is not made up of the same representatives as those who had conducted the Needs Analysis. The State hired retired School Superintendents to go to all the schools in the state and analyze their condition. Selectman Evirs mentioned that the Building Commissioner may be able to help qualify, with his background experience and terminology, the condition and need for a roof at the school. Chairman Yeatts pointed out that there were a few areas on section B2 that could be better acknowledged. There is also a vote missing on the second section. Dr. Furtado responded that that would be taken care of. Ms. Garbitt explained that typically the State prefers separate pages when votes are needed from different Boards or Committees for one (1) matter. Thus, the vote of the School Committee should be on one (1) page, the vote of the Board of Selectmen on another and then the Town Clerk will need to attest these votes. The Selectmen do not have to provide a copy of the minutes, however, the School Committee does. Dr. Furtado responded that that all could be done and there is no rush. The Statement of Interest has until July 31<sup>st</sup> to be submitted. The SBA will be releasing their decisions in August. The Superintendent will meet with Mr. Marot to review the assessment language on the roof and have a designee attend the next meeting with the Board of Selectmen to further review the Statement of Interest with the Board of Selectmen once the changes have been made.

Selectmen Evirs pointed out that only on one set of documents it lists Assawompset School on each page. This should be on every page for both documents. Dr. Furtado responded that the change will be made. He suggested that Mr. Marot also meet with Head Custodian Bob Souza and Lou Rodriguez, Director of Business & Finance regarding further details of the school roof. At this time, the District does not know where it stands with the MSBA priorities. There are presently schools which have waited years for renovations to be done. The good news about the change with the MSBA procedure is that once they do approve a project, the money is immediately supplied; the Town does not have to wait 20 years for reimbursement.

### **7:30 PM Meet with Marcus Baptiste regarding Natural Heritage**

*Marcus Baptiste of MBC Development and Kenneth Motta of Field Engineering, were present for the discussion* Mr. Baptiste explained that he would like to discuss the possibility of placing a conservation restriction (CR) on one or more pieces of Town owned property. Natural Heritage has indicated that if a CR was placed on another parcel, it may be considered a “trade-off” for the MBC Development project and the Route 79 relocation. Anne Marton, Species Specialist, has reviewed the Open Space Plan for parcels which may be acceptable to Natural Heritage. Two (2) parcels have been identified as being under the management of the Conservation Commission and also have Eastern Box Turtle habitat on or near them. The first parcel is approximately 28 acres and is in the Staples Shore area. The second parcel is approximately 42 acres and is a part of the Viger’s Conservation Area. Chairman Yeatts explained that 10.5 acres of Mr. Baptiste’s property is within the map of Natural Heritage for the box turtle, thus some mitigation needs to be provided in order for the project to move forward.

Ms. Marton explained that she had spoken with Sarah Haggerty of Natural Heritage regarding two (2) other parcels what would meet the specifications for the Eastern Box Turtle. A map was distributed indicating the sites that are presently under consideration. The Board reviewed the maps and discussed the two (2) areas with Ms. Marton. Ms. Marton explained that Natural Heritage is looking to minimize, avoid, mitigate and allow for a net benefit. The benefit would be for the population of this particular turtle species. Placing a conservation restriction by EOEA (Executive Office of Environmental Affairs) on the property is as close to true perpetuity as perpetuity can be. It would take an act of the Conservation Commission, Board of Selectmen and the Legislature to take a CR off a piece of property. Basically the parcel is in permanent perpetuity. CR's can be placed on land for various reasons, not just for Natural Heritage. The CR can be written in such a way that the land is still allowed for passive recreational use such as hiking trails, biking, cross country skiing. These activities would be considered low impact and not in opposition of the purpose of the CR. It would also still allow for protection of the box turtle. It was further explained that there would be a responsibility of the receiver of the CR to make sure that no one goes out and clears the property. An endowment could be set up so that there is stewardship on the property. There is a mathematical calculation that could be done to determine the amount necessary to perpetually sustain the overseeing of the CR on the property.

Chairman Yeatts stated that the parcel on the Nemasket River would be a good fit since it fits in with the big picture for the Town and is contiguous with the Assawompset Pond Complex. This location has a ranger which patrols the area since it is surrounded by land owned by the Taunton Water Department. There are two managers (2) that watch over the areas of Betty's Neck and it is not isolated as the other parcel is. Discussion took place regarding the advantages and disadvantages of the two (2) parcels. Selectman Evirs stated that he would like to consider this information further since he had reservations of putting restrictions on land where there are already restrictions. The best answer of why to do this is that it would make the land "more perpetuitious".

Mr. Baptiste stated that he would be prepared to pay for the transaction costs and also make a \$50,000 contribution to the Town in order to have this done. Otherwise there does not seem to be anything else that can be done in order to satisfy the requests of Natural Heritage aside from purchasing another piece of property and a loan would not be viable for that at this time. This matter is something that has been going on for a long time. The relocation of Route 79 is creating the problem and so someone has to come up with mitigation somewhere. If the Town really wants to relocate Route 79, then this is also part of the Towns' responsibility as well. Selectman Evirs responded that the Town does want Route 79 to be relocated. There was also another option of educating people regarding the box turtle or making other areas of habitat for the box turtle. So, rather than spend \$50,000 to put a restriction on land that is already restricted, maybe the money could be spent on conservation programs or education programs for the Town and its students, like Nature's Classroom, in order to educate everyone about the box turtle. Chairman Yeatts stated that she would rather see the money come into the Town so that it can be used and appropriated where the Town saw the best fit for it since not all students attend Nature's Classroom.

Ms. Marton stated that when she was researching parcels of land she focused on areas in the Town that already had a CR attached to it since it appeared the Town had these types of

intentions. If there are other parcels that the Town would like looked into, this could be done. It was just thought that other areas of Open Space the Town may want to use for a Fire Station or a Police Station. In previous experience working with Natural Heritage, they would like to see something that directly benefits the box turtle, and it may be more than simply educating. This could be posed to Natural Heritage. Ms. Garbitt asked for more details about the maintenance of the parcel that is under the CR, and who would determine what type of maintenance would be necessary? Ms. Marton responded that she did not think that any maintenance would be necessary. A portion of the money could go to the salary of the manager of the land. Natural Heritage does not allow the land owner to be the supervisor of the CR since you cannot supervise yourself. Ms. Garbitt asked if the CR would be enough so that the \$50,000 could be spent on anything else deemed appropriate by the Town? Ms. Marton responded that it was likely; however, Natural Heritage might like to know that there is some money in perpetuity for its stewardship. Chairman Yeatts stated that \$1,000 a year for 50 years would be a good start. So should the Board take this under advisement? Ms. Marton mentioned that the parcels had not been discussed with Natural Heritage as of yet since it was deemed that since it is the Towns' land, they should be consulted first. If the Board is comfortable with the parcels, then the information could be emailed to Natural Heritage to get some feedback on what they thought of the recommended parcels. Chairman Yeatts stated that she would like to know how Natural Heritage felt about the land. Selectman Evirs stated that he was comfortable speaking with Natural Heritage, but not the whole set up at this time.

Mr. Baptiste stated that if they could not get past this hurdle, his involvement with commercial development would cease. His business has also indicated that there will be other financial costs associated with the design on Route 79 in an attempt to move things along. Though the State may be responsible for the design, getting it done and getting it done in a timely fashion are two separate things. Mr. Motta, representing Canpro, gave some additional information. It was noted that the Town has looked at a few alternatives about the relocation of Route 79. However, it will come out at Commercial Drive as always intended; however, the State is looking at an alternative that would shift the design 30 feet as part of their 1990 discussions with MEPA. Other options can also be done that are site specific with a CR for the species. In the allowed activities, vegetation management could be provided and other allowable activities that would promote and preserve the species. This may add an additional layer of protection. Until these issues are cleared up with Natural Heritage, the timeline for the project and deadlines cannot be acted upon. The project is close to the 25% that is needed to be done by a specific date. Ms. Marton stated that she would be in contact with Natural Heritage tomorrow either through email or in their office.

Selectman Evirs asked that the matter be returned to the Board for discussion at the March 12<sup>th</sup> meeting of the Board. He added that he is in support of business in that area of the Town.

### **Review agreement with National Development and Mass Highway**

Chairman Yeatts read what the Tri-Party Agreement was about for the Intersection of Main Street and Route 105. The agreement will be between the Town of Lakeville, National Development and the Massachusetts Highway Department for permission to construct a new traffic signal system and minor roadway improvements at the intersection of Main Street (Route 105) and Bridge Street.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To accept the Tri-Party Agreement for the Transportation Improvement Project for Main Street (Route 105) in the Town of Lakeville, Plymouth County.  
Unanimous in favor.

### **Announce meeting with Cable Television Committee regarding Verizon negotiations**

Chairman Yeatts announced the meeting that will take place on March 13, 2007 at 7:00 PM at the Lakeville Library where the Lakeville Cable Television Advisory Committee will be presenting their report regarding the status of negotiations with Verizon for cable television service. Goals, timeline, open issues and present status will be discussed. Ms. Garbitt added that the meeting will also help the citizens know why the Town has not yet signed a contract with Verizon.

### **Review and vote to accept Annual Town Election Warrant**

Chairman Yeatts read the warrant for the Annual Town Election to be held on April 2, 2007 from 12:00 PM to 8:00 PM into the record.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To approve the warrant for the Annual Town Election to be held on April 2, 2007.  
Unanimous in favor

### **Review Middleborough/Lakeville Herring Fishery Commission volunteer observer appointments/vote to appoint wardens**

Chairman Yeatts explained that a correction needs to be made to the list of volunteer appointments that had been made. The Board will need to rescind the vote that was previously made for the appointments to the Middleborough/Lakeville Herring Fishery Commission.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To rescind the list of volunteer appointments as follows: Jim Coffin, Joe Runci, David Cavanaugh, Arthur Standish, Ron Burgess, Sargent Johnson. Cliff Chausse and Francis Perreira from the Middleborough/Lakeville Herring Fishery Commission.  
Unanimous in favor.

Chairman Yeatts explained that now the Board needs to appoint the wardens with terms to expire on September 30, 2009

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

VOTED: To appoint the following: Ronald Burgess, Joseph Runci, and Thomas DeBrum to the Middleborough/Lakeville Fishery Commission as warden observers for a term to expire, September 30, 2009.  
Unanimous in favor.

#### **Request to use Town House-Mullein Hill Church**

Chairman Yeatts read the request of the Mullein Hill Church to use the Town House for a fundraising yard sale.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To approve the use of the Town House on April 28<sup>th</sup> and 29<sup>th</sup> for a fundraising yard sale by Mullein Hill Church for the support of missionaries who will be traveling abroad this summer with Global Expeditions.  
Unanimous in favor

#### **Request for temporary storage container license-121 Hackett Avenue**

Chairman Yeatts read the request for a temporary storage container permit for the property located at 121 Hackett Avenue. Discussion took place for clarification purposes. The duration would be for a one (1) year term and this length of time was approved at Town Meeting.

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was

VOTED: To approve the license for the period of one (1) year or when the renovations are complete, whichever comes first.  
Unanimous in favor.

**Review and vote to approve Selectmen's meeting minutes: September 21, 2006; November 20, 2006; December 4, 2006; December 19, 2006 and January 9, 2007**

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To waive the reading of and approve the Selectmen's meeting minutes of September 21, 2006, November 20, 2006, December 4, 2006, December 19, 2006 and January 9, 2007.  
Unanimous in favor.

**Review and approve Executive Session minutes for February 5, 2007**

Upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was;

VOTED: To waive the reading of and approve the Executive Session minutes of February 5, 2007 as presented.  
Unanimous in favor.

**Any other business that may properly come before the meeting.**

Ms. Garbitt stated that she has received the contract from Atlantic Environmental Technologies, Inc. This will add an additional year to the remediation at the Lakeville DPW facility from November 1, 2006 through October 31, 2007. The contract is otherwise the same as has been in place. The monthly monitoring has been held off until a contract was provided for approval.

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

VOTED: To approve the contract with Atlantic Environmental Technologies, Inc. through to October 31, 2007 as has been in place for remediation of the Lakeville DPW site.  
Unanimous in favor

Chairman Yeatts noted that on March 31, 2007 there will be the rabies clinic for all Town residents and their dogs & cats at the Lakeville Highway Barn.

Chairman Yeatts announced that John Regosin of Natural Heritage & Endangered Species will be at the Lakeville Library on March 8<sup>th</sup> at 7:00 PM to discuss how Natural Heritage came up with the mapping that has come into effect. He will be able to answer any questions on the mapping regarding the Massachusetts Endangered Species Act (MESA) project review process. Ms. Garbitt mentioned that she did send a letter to all the Town Boards and Departments about this meeting taking place. Would the Board like to schedule a follow-up to that meeting at this time? Selectman Evirs explained that the goal was to meet prior to the March 8<sup>th</sup> meeting,



however, with all that is taking place with respect to the budgets, it is more important that the meeting be attended and then it can be determined where to go from there.

### **Other Items**

1. Press release from Board of Health regarding rabies clinic
2. Notice of March 8<sup>th</sup> meeting regarding Natural Heritage Priority Habitat
3. Notice from DEP regarding 79 Main Street
4. Memo from Town Counsel regarding CPA and Municipal Affordable Housing Trust Fund Act
5. Meeting notice from SRPEDD – February 28, 2007  
Chairman Yeatts stated that she felt it was very important for the Town Accountant and Town Treasurer to attend this SRF meeting since it could be in future of the Town.  
Notice from DEP regarding SRF meeting-March 7, 2007
6. Letter from DEP regarding seminar
7. Letter from Jay Talerman (formerly with Town Counsel)
8. Plymouth County Commissioners agendas-February 6<sup>th</sup> & 27<sup>th</sup>
9. Plymouth County Request for Appropriation FY08
10. Plymouth County Cooperative February calendar
11. Habitat for Humanity Annual Meeting-March 4, 2007
12. Letter from Comcast regarding convenience fee increase
13. Letter from MMA regarding trade show
14. MMPA March Program Meeting – March 2, 2007
15. Commission on the Status of Women Status Report

At 8:30 PM, upon a motion made by Selectman Evirs with Chairman Yeatts stepping down to second and stepping back up to vote, it was unanimously:

VOTED: To enter in Executive Session and not return to Open Session for the purpose of discussing the Collective Bargaining and Agreement with the Fire Department. Polled vote of Selectman Evirs, aye and Selectmen Yeatts, aye.  
Unanimous in favor.