

SELECTMEN'S MEETING
Monday, February 27, 2006

On February 27, 2006, 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 Hurd at 7:00 PM. Selectmen present were: Selectman Hurd, Selectman LaCamera and Selectman Yeatts. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

7:00 PM Crossroads Class I hearing continued

Present for the discussion was John D. Ryder, Attorney for Crossroads RV and Mr. Housani of Crossroads RV.

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

VOTED: To reopen the hearing for Crossroads for a Class I license from February 6th, 2006, which was continued in order to allow them to provide additional information for the Board of Selectmen.
Unanimous in favor

Attorney Ryder stated that the owners of Crossroads would be selling motor homes smaller than the ones located at their Middleborough facility. The units be a maximum of 32 feet in length but most of them would be only up to 26 feet in length. There are 40 new vehicles shown on the plan as presented and of them 20 would be located inside the building, which is classified as a showroom. There would also be two (2) units displayed in front of the building, along Route 44 and an additional 23 located at the rear of the building. The existing 10' x 20' parking area will be used to accommodate the vehicles at the rear of the building. It has been determined that this amount can be easily parked there as shown on the plan. There are eight (8) spaces for employee parking and there is customer parking close to the building. The entrance to the premises would be in the rear, coming in from the entrance roadway to the Industrial Park. There was a Special Permit issued by the Zoning Board of Appeals for this site in the Industrial Park, which allows both retail and industrial uses. Crossroads will not be changing the existing footprint of the building. Minor repairs would be done only as listed on Exhibit A. There is ample space there for what the client needs. The request for business hours is: Monday through Saturday 8:00 AM to 8:00 PM and Sunday from 12:00 PM to 5:00 PM.

Chairman Hurd asked for several clarifications, is the plan now, the plan of record? Attorney Ryder responded in the affirmative. Chairman Hurd stated that the application is for 40 spaces in total, and 45 are shown on the plan, will it be kept to 40? Attorney Ryder responded in the affirmative and added that some of the spaces were for repair units. Chairman Hurd asked what the total number of vehicles would be in for repairs at any one time. Attorney Ryder responded that there may be 16, thus there would be no more than 55 units at any given time at the location. There are 45 spaces for new or used vehicles, and the remaining spaces will be for repair. Mr. Housani stated that the maximum would be about 42 units at the site. Most of the units that come in for refurbishing go back to the Middleborough location. Selectman Yeatts asked about

for clarification on the amount of units that would be transferred back and forth to the Middleborough facility. Mr. Housani responded that he did not know exactly how many units would be back and forth from Middleborough. There is not any room left to ready the vehicles in Middleborough. Give and take, no more than 40-42 units. Selectman LaCamera asked then if the license was for 42 for sale units. Mr. Housani responded in the affirmative. Chairman Hurd stated that the request is for 42 for sale units and 16 units for repair. Selectman Yeatts stated that the request then is actually for 56 units. The Selectmen are only looking for clarification since there have been problems in this area in the recent past. Would Mr. Housani be agreeable to no more than 46 units on the property at any one time? Mr. Housani responded in the affirmative. Chairman Hurd asked about the distance of the units from the berm? Mr. Housani responded that there is 20 feet from the grass to the Route 44 line at the narrowest area, it then widens as it proceeds. The front of the building is for customer parking only, two spaces for display units, and the rest of the units would be inside the building and located behind the building.

Chairman Hurd stated that he had a letter from Building Commissioner Robert Darling addressing the use issue. This letter was read into the record by Chairman Hurd. The letter explained that the property comes under the Special Permit as issued previously by the Zoning Board of Appeals in August of 1988. It was recommended that a permit be issued for 40 for sale units, with a maximum of 16 units in for repair, but a total of 46 units on site. Hours of operation would be 12:00 PM to 5:00 PM on Sunday and 8:00 AM to 8:00 PM Monday through Saturday. Only the service repairs as noted on Exhibit "A" attached to the set of conditions are allowed; the business would be subject to the Board of Appeals use as on file from August of 1988; no more than two units will be displayed at the front of the building, the zoning by-laws will be noted for turning radiance, all parts will be within the building at all times, there will be a clear view for those leaving along Route 44.

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

VOTED: To close the hearing for Crossroads Class I license.
Unanimous in favor

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

VOTED: To issue a Class I license to Crossroads RV with an expiration date of January 1, 2007 under the following conditions: there would be no more than 40 for sale units located at the property, with a maximum of 16 units for repair, but a total of 46 units on the site at any one time, the hours of operation would be 12:00 PM to 5:00 PM Sundays and 8:00 AM to 8:00 PM Monday through Saturday, the service repairs to be performed as attached to the conditions described as Exhibit A are: tow hitches installed, brake controllers installed, electronics installed (GPS, Radios, Satellite TV), brake repairs, alternators, starters, shocks, leveling systems, awnings, interior (refrigerators, microwaves, stoves, plumbing), no more than two recreational vehicles are to be displayed at the front of the building facing Harding Street (Route 44) at any one time, corner clearance shall be maintained in accordance with Section 5.2.3 of the Zoning By-Laws of the Town of Lakeville. No vehicles shall be parked, nor shrubs planted, to block view of automobiles

entering Route 44 from the property; storage of parts, including tires, shall be inside the building at all times, in the future if required, any permits required from the Massachusetts Department of Public Works for entrance onto Route 44 shall be obtained by licensee, a clear view of Route 44 shall be maintained for those leaving the licensed premises via that road, parking will be according to the parking plan as prepared for Southeast Realty Trust dated February 24, 2006 and prepared by Tibbetts Engineering Corp and submitted, existing conditions will be incorporated, the permit is subject to the conditions of the special permit issued by the Lakeville Zoning Board of Appeals which is on file with the Town Clerk as Case 1988-8.

Unanimous in favor

Ms. Garbitt stated that the Building Commissioner mentioned there were temporary signs displayed on the property. Permission is required for any signs. Mr. Housani responded that the signs that are at the location are from the previous tenants, and he understood that permission would be needed for signs.

7:30 PM Meeting with Wildlands Trust regarding conservation restrictions

Scott MacFaden of Wildlands Trust was present for the discussion. Mr. MacFaden explained that he was representing Wildlands Trust, which is a non-profit land conservation organization. At this time the Trust protects 4,600 acres of land across the State. He stated that he is present at this time to obtain approval for two (2) conservation restrictions on Highland Road: the Gladu property of 42 acres and the Morton property of 14 acres. Selectman Yeatts asked a question from page 5, in the last paragraph. Mr. MacFaden responded the exercise of any right reserved under this Paragraph B depends on the Zoning by-laws that are in effect at that time in the Town of Lakeville under the Wetlands Protection Act.

Chairman Hurd and Selectman Yeatts thanked the Gladus and the Mortons for doing this generous and farsighted benevolent act for the Town, it helps protect the Town and is a win, win, win for the Town. Doing this through the Wildlands Trust is a great vehicle to preserve land. Mr. MacFaden stated that this Conservation Restriction is Wildlands Trust 50th in the last 15 years, which is a 1/3 of its inventory.

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

VOTED: To approve and sign the Conservation restriction on the Gladu property of 42 acres and the Morton property of 14 acres.

Unanimous in favor

Selectman LaCamera asked if the State has to approve the Conservation Commission first. Mr. MacFaden responded that the State approves it last; they have already reviewed it and asked for it to be executed. The Conservation Commission will sign an appendix form, but not the document.

Discuss legal advertising rates

Chairman Hurd stated that the Board did receive the information as requested from The Call. They stated that they could not reimburse the Town for any expenses, such as labor, in regards to errors. However, they could run the ad in another paper if it was time sensitive. The Gazette also stated that they could give the Town a 15% discount for Town submitted ads and would work to mitigate the impact of errors should they occur.

Selectmen Yeatts stated that she would prefer to stay with The Middleborough Gazette, mainly for the reason that The Call is still new to the Town and if they went out of business and the Town had to return to The Middleborough Gazette, the rates may be increased. Selectman LaCamera stated that he thought the Lakeville version of The Call has made a lot of improvements, he enjoys the articles for the Town, but they still have a little way to go. The Gazette still makes mistakes, in fact, the page numbers were wrong just this week from where to turn from the articles on the front to the continuation on the inside pages. The Gazette though, has been reliable; however, they have made some errors in the past few years.

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

VOTED: To continue with The Middleborough Gazette for legal advertising.
Unanimous in favor

Ms. Garbitt mentioned that the discount by the Gazette is for all Town ads to receive a 15% discount and hopes that it will be a practice that is used throughout the Town; however, some Boards may not always use the Gazette. Selectman LaCamera stated that he did not see why the various Boards could not comply with this and suggested that they be sent a letter asking that they utilize the Gazette for their advertising. Chairman Hurd thanked the representatives who gave presentations from The Middleborough Gazette and The Lakeville Call.

Vote to sign Annual Election Warrant for April 3, 2006

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

VOTED: To approve the warrant for the annual Town Election to be held April 3, 2006 as follows:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Elections to meet in Precinct One, Precinct Two and Precinct Three Ted Williams Baseball Camp, 28 Precinct Street on Monday, the third day of April, 2006, from 12:00 PM to 8:00 PM then and there to act on the following:

Article 1: To vote by ballot for the following:

One Year Term: _____ Five Year Term: _____

One Moderator

One Planning Board member

Three Year Term:

Two Year Term:

One Selectman

One Park Commission member

One Board of Health member

One Board of Assessors member

One Library Trustee

Two Finance Committee members

One Park Commissioner

Two Local School Committee members

One Regional School Committee member

Question #1

Shall the Town of Lakeville accept Sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act ("Act"), establishes a dedicated funding source to acquire, create and preserve open space and land for recreational use; acquire, preserve, rehabilitate and restore historic resources; create, preserve and support community housing; and to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created in accordance with the Act. In Lakeville, the Act will be funded, beginning in Fiscal Year 2007, by an additional surcharge of 1% on the annual tax levy on real property and by matching funds provided by the state. A taxpayer receiving a regular property tax exemption will receive a pro rata reduction in the surcharge. A Community Preservation Committee was created pursuant to by-law and will make recommendations on the use of the funds. Town Meeting must approve any such recommendation before funds can be expended. All expenditures pursuant to the Act will be subject to an annual audit.

You are directed to serve this warrant by posting an attested copy hereof seven days at least before April 3, 2006 at the Town Office Building; Starr's Country Market; Neighbor's Corner Store; the Clark Shores Association Bulletin Board; Apponequet Regional High School; the Senior Center; and Assawompset School.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting. Given under our hands this 27th day of February, 2006.

Unanimous in favor

Request to use Old Town House-Lakeville Area Mother's Club

Chairman Hurd noted that the Board had received a request from the Lakeville Area Mother's Club to use the Old Town House for their annual yard sale.

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

VOTED: To approve the request by the Lakeville Area Mother's Club to use the Old Town House for the purpose of a yard sale on Friday, May 5th and Saturday, May 6th, 2006.
Unanimous in favor

Notification of Massachusetts Cultural Council award to Daniel Cooney

Chairman Hurd read the notification into the record from the Massachusetts Cultural Council, announcing that Daniel Cooney had received the 2006 Local Cultural Council Leadership Circle Award for Outstanding Volunteer recognizing his exceptional work in support of the Local Cultural Program in Lakeville.

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

VOTED: To send a letter to Daniel Cooney congratulating him on winning this award.
Unanimous in favor

Selectman Yeatts stated that she would try to attend the Statewide Assembly on March 8th at the State House in Boston if it works out with her schedule.

Schedule April and May Board of Selectmen Meetings

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

VOTED: To schedule the April and May Board of Selectmen Meetings as follows: April 10th and April 24th; May 1st, May 8th (Town Meeting) and May 22nd, 2006.
Unanimous in favor.

Approve Selectmen's Meeting minutes of November 7, 2005, February 2, 2006 and February 15, 2006

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

VOTED: To waive the reading of and approve as presented the Selectmen meeting minutes of November 7, 2005, February 2, 2006 and February 15, 2006.
Unanimous in favor

Other Items

1. Update memo from Historical Commission

Chairman Hurd stated that the Historical Commission has a former member of the Historic Tour Committee of the 150th Anniversary Committee who would like to serve as an Associate Member of the Historical Commission. The Historical Commission is requesting that the Selectmen appoint this person as an Associate Member. Selectman

LaCamera stated that he thought that the point was to give others opportunities to submit their names? Ms. Garbitt stated that Felicia Carter came forward, but there is not a letter from her officially asking for the appointment. Chairman Hurd stated that the letter should be presented from Ms. Carter. Chairman Hurd then went over the other items on the Historical Commission's correspondence. Ms. Garbitt stated that when the weather is better, she will have Mr. Hamilton look at the Old Town House for a place for the Community Sign to be relocated. She will ask a member of the Historical Commission to be present.

2. Letter from Cable Committee to Verizon
3. Letter from Board of Health regarding amended percolation test regulations
4. Letter from Diane Marie Reynolds regarding building permit
5. Letter from Fred Parmenter regarding increase in rates

Chairman Hurd explained that Mr. Parmenter is asking to increase the rates that he presently charges. The rates have been the same for a number of years and this is a bargain for the Town.

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

VOTED: To allow Fred Parmenter, Certified Drinking Water Operator to increase his rates from \$25 for the first sample and \$15 for each additional to \$45 for the first sample and \$15 for each additional sample.

Unanimous in favor

6. Copies of forms for CPA exemption
7. Request for appropriation from Plymouth County Co-op Extension
8. Letter from Plymouth County Commissioner regarding dental & life insurance
9. Letter from Plymouth County Commissioners regarding insurance plan
10. Minutes-Plymouth County Advisory Board-June 15, 2006
11. Agendas-Plymouth County Commissioners meetings: 2/8 and 2/15
12. Letter from Plymouth County Retirement-retirement appropriation-FY07
13. Letter from DOR regarding FY05 Schedule A

Selectman Yeatts asked for an explanation on the DOR letter. Ms. Garbitt that the Town Accountant has not been able to do the schedule due to the conversion problem with the computer program. This was also a problem last year as well. It is a problem with the software, not the people. The company has done upgrades on their software, but there are still problems.

14. DOR Bulletin-new name for DLS legal bureau and customer service procedures
15. DOR Bulletin-Clause 41A deferral forms
16. DOR – IGR-Property Tax Deferral for Seniors

Ms. Garbitt explained that the current rate is 8% for Seniors. She inquired if the Selectmen might consider lowering the rate to 6%. It would have to be done at Town Meeting, and will mean less interest for the Town; however there are not too many people who take this option, maybe one (1) or two (2) a year, until they sell their property. The deferral is with their real estate taxes until their death or sale of their property, and then it is paid, plus 8% interest. Selectman LaCamera asked to find out how much this would cost from the Assessors if it was changed. Ms. Garbitt stated that

only two people right now are utilizing the property tax deferral at this time. It cannot be higher than 8%. Selectman Yeatts stated that two people may not be a representative of the future with the amount of those who are aging. Selectman LaCamera asked for a recommendation of lowering the rate from the Assessors prior to the Selectmen making a decision. Ms. Garbitt will obtain a recommendation from the Assessors Department for the Selectmen to review.

At this time Boy Scout, Ryan Crombaker was recognized for attending the meeting in order to perform his observation of Town Government in process for his Eagle Scout Badge.

17. Letter from Old Colony YMCA

18. News release-American Red Cross

Chairman Hurd mentioned that the Red Cross is looking for local heroes. Nominations are not due until July 31, 2006; however the press might want to put something out there about this request for nominations for Local Hero.

19. MBTA Advisory Board Agenda-February 24, 2006

20. MBTA Advisory Board Community Assessments for FY07

21. MMA Action newsletter

Selectman Yeatts recommended that the Board send a sample letter to legislators. Chairman Hurd stated that the Board did this at the last meeting, and it may be redundant. The Governor is committed to doing this; it is the House Ways and Means Committee at this time. The Town needs the representatives to support this. Ms. Craig stated that she could fax the letters that have already been sent since the due date is February 28th and add that the Board of Selectmen has reaffirmed its support.

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

VOTED: To resend the letters that have already been sent to the State with the addition that the Board of Selectmen has reaffirmed its support.
Unanimous in favor

22. MMA Agenda-March 23, 2006

23. Letter from MMA regarding Local Officials Human Services Council

24. Letter from Massachusetts Office for Victim Assistance

25. Comcast MA overview

26. Notice from Verizon regarding FIOS TV in Reading

27. Notice from Massachusetts Beverage Association

28. Newsletters from Comprehensive Environmental regarding design criteria and flooding

29. Local State Funding Report

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

VOTED: To enter into executive session at 7:52 PM for the purpose of discussing pending litigation and not to return to Open Session. Polled vote: Selectman LaCamera, aye, Selectman Yeatts, aye and Selectman Hurd, aye.
Unanimous in favor