

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
March 26, 2012 - 7:00 PM

On March 26, 2012, 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 Olivier at 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Belliveau and Selectman Maksy. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. James Cosgrove of Comcast was recording the meeting.

7:00 PM Meet with John Pfister regarding Junk Dealer's License-40 Taunton Street

John Pfister was present for the discussion. Ms. Garbitt noted that the Building Commissioner had been in contact with Mr. Pfister about cleaning up his property. On February 9, 2012, Mr. Pfister applied for a Junk Dealer's License. Chairman Olivier stated that the Board has discussed his request at the February 27th meeting, and he was notified that it was on for discussion this evening. Mr. Iafrate has been working with Mr. Pfister, and informed him that he is in violation of the General By-law as it relates to the storage of second hand/junk items and unregistered vehicles. Ms. Garbitt said that the Board should set timelines for when things should be done on Mr. Pfister's property.

Mr. Pfister stated that he does flea markets professionally. The articles in question he is preparing for sale. The unregistered vehicles are in the paper to be sold. Chairman Olivier stated that he had seen several correspondences from Mr. Pfister to Mr. Iafrate, requesting more time to achieve compliance with the items on his property. Mr. Pfister stated that it will not take a week to get things done; it will take a few weeks. These items are not junk to him. Chairman Olivier stated that in order for the Board to grant a Junk Dealer's License, some conditions will have to be set. Mr. Pfister will have to move items away from the street and provide parking for customers. Mr. Pfister will need to make an effort to set up his residence/property so that it is not an eye sore.

Selectman Maksy suggested to continue the matter, and ask Mr. Iafrate to provide the Board with a written timeline on what he is looking for to get done. Mr. Maksy had visited the site before, and Mr. Pfister had indicated that he would be moving things around and selling items. The Board will need to make sure that he complies with what needs to be done to clean up the site. Mr. Pfister will also have to keep a book of what he sells and what he has on site. Mr. Pfister stated that he is cleaning up the area in question, but he does not want to bring the cars to a scrap yard. One of them is a 2000 Volvo. Selectman Belliveau stated that he can register all his unregistered vehicles or move them to a different location. Selectman Maksy stated that he would like to have Mr. Iafrate come up with a plan for the Board with the conditions that he is looking for. Chairman Olivier asked if Mr. Pfister was agreeable with that. Mr. Pfister responded that he would take a look at it. Chairman Olivier stated that Mr. Iafrate will be asking that Mr. Pfister move some of his stuff behind his house, so that it is not in plain view. There cannot be more than one (1) unregistered vehicle out front for sale.

Ms. Garbitt asked if a meeting should be scheduled with Mr. Pfister, the Building Commissioner and the Selectmen. Chairman Olivier suggested that Mr. Pfister contact Mr.

Iafrate in the meantime to work some things out, which may make the next meeting go more smoothly. Selectman Belliveau stated that the Board is not accustomed to saying no to anyone. However, there have to be conditions and a willingness on both sides to work together so that Mr. Pfister can get the property into compliance to be issued a Junk Dealer's License. It was noted that the next meeting with Mr. Pfister will take place either the 9th or 23rd of April.

7:15 PM Meet with Jamie Bissonette regarding Taunton Water for Twin Coach Estates

Gerard Marsan, Esquire, and Jamie Bissonette of Prime Engineering were present on behalf of Twin Coach Estates. Mr. Bissonette stated that he was following up with an appointment from a few years ago when Mr. Parmenter requested to tie into Taunton Water for the emergency backup water. Now they are here to request a tie in for a drinking water supply. The water tower has been built, and there is no question about water pressure. Twin Coach Estates has 64 units in Lakeville and Edgeway has 74 units in Middleborough. The Middleborough side built their mobile homes a little denser than the Lakeville side. Septic repairs are being done for a community system and that will be in Zone 2 and near Zone 1 for the onsite wells that Twin Coach uses. They were asking for the ability to connect to municipal water, which is the best solution for both sides of the Park for the best quality of drinking water. Taunton has the capacity, and the desire to allow this to take place. The first step was to come before the Selectmen in Lakeville to make sure that they are in agreement, then the plan can be presented to Taunton.

Selectman Maksy asked if they are looking for a master meter. Mr. Bissonette said yes. There is infrastructure in the ground, and it is believed that there is a six (6") inch line that goes to the fire hydrants that are around the Parks. There may have to be a change with the pipe to connect to it from a 12" or a 10" to reduce it down to 6". The well that services both communities is located in Middleborough. Selectman Maksy explained that the Board cannot provide water to the Middleborough side of the Park without an Inter-Municipal Agreement (IMA) with Middleborough. Attorney Marsan stated that in discussions with Taunton, they said that Lakeville was in the driver's seat. A private agreement may have to be put in place. Sylvester Zienkiewicz stated that according to MGL Chapter 40, Section 72, Middleborough has to give Lakeville permission to do anything with their residents, since Middleborough has their own water system. If it is new pipe, it has to be 8" not 6". Chairman Olivier stated maybe the Board should go back to the table with Middleborough to get an IMA signed.

Chairman Olivier asked how the bill will be paid. Attorney Marsan stated that the Parks are under rent control, and water is included in the rates now. Ms. Garbitt stated that the Town of Lakeville cannot lien property in Middleborough. Chairman Olivier stated that that will have to be worked out in the IMA as well. Attorney Marsan stated that if the Selectmen from Lakeville are on board, then Taunton can help with this. Chairman Olivier explained that it is not Taunton that is the problem. It is Middleborough to get the IMA in place. Ms. Garbitt stated that Lakeville is using about 88,000 gallons per day of its allotment, which is 300,000 gallons per day.

Attorney Marsan and Mr. Bissonette will set up a meeting with Middleborough and invite the Board of Selectmen from Lakeville to be present. Chairman Olivier stated that it needs to be

determined whether Lakeville could put a lien on Middleborough properties if needed. Mr. Bissonette stated that the system is already in the ground, and it is believed to be interconnected. More research will be done to determine what is in the ground and the direction it runs.

7:30 PM Meet with David Frates, Animal Control Officer, to discuss proposed increase for adoption fees for dogs

David Frates, Animal Control Officer, was present for the discussion. Chairman Olivier stated that Mr. Frates has been working with Ashley Davis of Southcoast Care to secure grant monies to begin a spay/neuter program for the Animal Shelter. Mr. Frates has secured a cost from Lakeville Animal Hospital of \$175.00 for the spaying or neutering, plus additional medical care and vaccinations. This fee would be paid by PoundHounds, directly to Lakeville Animal Hospital, at no cost to the Town. Currently the fee for adoption of a dog is \$30 with a \$30.00 spay/neuter deposit. The deposit can be refunded if the adopter brings in a receipt from the veterinarian certifying that their dog has been spayed or neutered. The \$30 adoption fee currently goes into the Town's General Fund, and the spay/neuter deposit goes into a separate account. Mr. Frates is asking to raise the adoption fee to \$100 for all dogs. Of that money, \$30 will go into the Town's General Fund and \$70 will go into a new Spay/Neuter Gift and Grants Account, since the Town cannot profit from grant money meant for Spay/Neuter programs. The gift account will be used to continue the Spay/Neuter Program, if grant monies run out. Also, by instituting a mandatory Spay/Neuter program, the Animal Shelter may be able to apply for other grant funds. Ms. Garbitt expressed her concern about having to continue with the program if the grant monies and gift account runs out. It was agreed that the spay/neuter program can be ended if that occurred.

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

VOTED: To increase the adoption fee to \$100.00 for the adoption of all dogs, with \$30.00 going into the General Fund and \$70.00 being designated to a new Spay/Neuter Gift Account, effective immediately.
Unanimous in favor.

Review and vote on Annual Town Meeting Warrant Article for Old Colony Regional Vocational Technical High School regarding the Regional Agreement

Chairman Olivier stated that the Regional Agreement that the Board had before them was the agreement that the Board has reviewed several times. The agreement went back to the Department of Elementary and Secondary Education, and they accepted Lakeville's proposal of changing the third sentence to be 60 days, rather than 30 days.

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

VOTED: To place the Warrant Article on the Annual Town Meeting Warrant for June 4 2012.
Unanimous in favor.

Discuss scheduling Special Town Meeting for June 4, 2012

Chairman Olivier spoke about the need to schedule the Special Town Meeting for June 4, 2012.

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

VOTED: To schedule the Special Town Meeting for June 4, 2012 at 6:30 PM at the Apponequet High School Auditorium and to open the Warrant.
Unanimous in favor.

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

VOTED: To close the Special Town Meeting Warrant on April 9, 2012 at 5:00 PM.
Unanimous in favor.

Review and discuss Proposed Kennel License Bylaw

David Frates was present for the discussion. Chairman Olivier stated that the Master Plan Implementation Committee has forwarded a proposed Kennel License By-Law that they have been working on for the last few months. If the Selectmen are in support of the proposed By-Law, the Committee would request that it be forwarded to Town Counsel and the Planning Board for their review. Discussion took place on the proposed bylaw. Ms. Garbitt suggested that Town Counsel review the bylaw. Chairman Olivier asked how often regular inspections would be done. It should be at least on an annual basis. Mr. Frates responded that it would be.

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

VOTED: To forward the proposed Lakeville Kennel License Bylaw to the Planning Board for their input.
Unanimous in favor.

Review and discuss proposed Dog and Livestock Bylaws

David Frates, Animal Control Officer, was present for the discussion. Ms. Garbitt explained that discussion has taken place for the past few years regarding updating the Town's Leash law, and creating additional by-laws regarding animals. Ms. Craig has researched dog and livestock bylaws from several towns to create some proposed by-laws for the Board to consider. David Frates said that he receives many calls in regards to barking dogs, especially in the evening. Ms. Craig noted there have also been issues with the schools and parks with dog owners who do not clean up after their dogs. She said Animal Control also responds to many calls of loose livestock. Several horses recently escaped, and one was hit by a vehicle and killed. Mr. Frates explained that typically barking dog calls come in at night, rather than during the day. He would like to change the length of time from 15 minutes to 30 minutes. Ms. Craig stated that right now,

the Town does not have a graduated fine system in place, and Mr. Frates can pick up the same dog every day of the week and not be able to increase the fine.

Athanasios Poulos of Montgomery Street said that she did not feel that kennel licenses should be allowed in residential areas for obvious reasons. She stated that she would like to see how the Town would handle complaints from abutters. Doggie daycares bring all kinds of traffic, and it is an environmental hazard. Chairman Olivier stated that he happened to agree with her. However, Massachusetts General Law states that kennel licenses have to be available for people. Selectman Maksy stated that State law identifies kennels as a pack of dogs. So, if someone has five (5) dogs that could be considered a kennel. This will allow neighbors to address their concerns with the Zoning Board of Appeals. John Powderly of Montgomery Street explained that the kennel definition was to control the breeding of dogs and racing dogs originally; then people have tried to add onto that. With the advent of doggie daycare, which is throughout the Town, the verbiage is being expanded. Perhaps under this by-law, doggie daycare would be a kennel. Most of this is a step in the right direction, but could probably be addressed in just sections 1.3 and 1.4.

Chairman Olivier stated that he felt that the Board needed clarification from Town Counsel. Ms. Garbitt explained the history on this by-law. Some kennel licenses were already grandfathered, and when their license expired, they would have to apply for a renewal. State law reads that the Town Clerk has to issue a kennel license, so she does. However, our Zoning By-law says it is not allowed in a residential zone, and you must go to the Zoning Board of Appeals for a Special Permit. It does not mean it is legal just because she issues the license; she is required by State law to do so. Ms. Poulos stated that she felt this should be done with the General Bylaws, with a limit on the number of cats and dogs for each type of residential area. Chairman Olivier said that Town Counsel should be consulted to see where the State law stands. This will be placed on another agenda.

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

VOTED: To request Town Counsel to determine if the Board of Selectmen can restrict pets on residential property. Also, to forward the proposed Dog and Livestock By-laws to the Planning Board so they can begin their hearing process.
Unanimous in favor.

Reschedule Joint Budget Meeting with Finance Committee and Department Heads

Ms. Garbitt stated that the Budget Summary has not been reviewed or voted on by the Board. April 4th may be a good time to schedule a meeting, and the Board could also reorganize, since that date is right after elections. Upcoming Selectmen meetings can be scheduled at that time.

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

VOTED: To schedule the Joint Budget Meeting with the Finance Committee and Department Heads for April 4, 2012 at 7:00 PM.
Unanimous in favor.

Discuss vacancies and attendance for various Committees appointed by the Board of Selectmen

Ms. Garbitt explained that it was determined that if a committee has a charge of ten (10) members with three (3) unfilled positions, those open seats still count towards the number for a quorum. Ms. Garbitt stated that the Conservation Commission Charge is for no less than three (3) members and no more than seven (7). That is also State law. Ms. Craig found that there is no mention of Associate Members in the State law. Selectman Maksy suggested having the Conservation Chairman meet with the Selectmen to discuss the membership of the Conservation Committee. Ms. Craig will advertise for the Cable Advisory Committee vacancy and the Zoning Board of Appeals vacancy.

Discussion then took place regarding attendance at the various Board and Committee meetings. Selectman Maksy suggested having Ms. Craig contact those who have been absent or missed numerous meetings and find out if they still want to remain a member on their Board or Committee. Chairman Olivier suggested that the Open Space Committee be asked to revise their Charge and meet with the Selectmen to discuss the membership of the Committee.

Discuss and vote to accept resignations from Energy Advisory Committee

Chairman Olivier read the resignation letters from James Marot, Robert Iafrate and Kathleen Barrack resigning from the Energy Advisory Committee.

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

VOTED: To accept the resignations of James Marot, Robert Iafrate and Kathleen Barrack from the Energy Advisory Committee and to send them a letter of thanks for time served.
Unanimous in favor.

Discuss revising the charge of Energy Advisory Committee

Ms. Garbitt noted that there has been a problem getting a quorum at the Energy Advisory Committee (EAC) meetings. She noted that the Board of Assessors has never appointed a representative to the EAC. It was also discussed removing the Historical Commission member to help reduce the quorum.

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

VOTED: To change the membership of the Energy Advisory Committee so that either the Building Commissioner or his designee will serve on the Energy Advisory Committee.
Unanimous in favor.

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

VOTED: To reduce the number of members on the Energy Advisory Committee to ten (10) by removing the Town Administrator position, the Planning Board position, the Board of Assessors position and the Historical Commission position. The Board of Selectmen reserves the right to appoint them or other appropriate persons at a later date.
Unanimous in favor.

Request from Cable Advisory Committee to send letter to Verizon regarding update on installation timetables for underground FiOS

Chairman Olivier read the letter from the Cable Advisory Committee, asking that the Selectmen request an update from Verizon on FiOS underground installation timetables.

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

VOTED: To send a letter to Verizon asking for an update on installation timetables for underground FiOS and to authorize Chairman Olivier to sign the letter.
Unanimous in favor.

Review and vote on Sixth Amendment to the Tri-Party Agreement for Cedar Pond Preserve

Ms. Garbitt stated that Town Counsel has reviewed the Sixth Amendment to the Tri-Party Agreement for Cedar Pond Preserve and recommends approval.

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

VOTED: To approve and authorize Chairman Olivier to sign the Sixth Amendment to the Tri-Party Agreement for Cedar Pond Preserve.
Unanimous in favor.

Discuss and vote to renew Annual Earth Removal Permits

Selectman Maksy suggested that the Superintendent of Streets inspect all the Earth Removal Permits with the Building Commissioner. Ms. Craig noted that the first four (4) permits (KCLS, Glenn Chistolini, T.L. Edwards and Alan Butler) automatically renew since they are under the Extended Permit Act. The remaining permits (Israel England, T.L. Edwards, Kurt Radke, and New England Rent-All) will need to be renewed by the Board. Chairman Olivier asked to have Mr. Peck and Mr. Iafrate inspect all the Earth Removal and Stockpile Permits. They will then be discussed on Thursday when the Board meets.

Review bids and award contract for Plumbing at Ted Williams Camp Commissary

Ms. Garbitt explained that the low bidder for the plumbing work in the bathrooms and kitchen at the Commissary Building is Performance Heating and Plumbing from Bellingham. Their rate is \$62.79 per hour. Selectman Maksy recommended that a cap be put on, not to exceed 350 hours.

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

VOTED: To award the bid to Performance Heating and Plumbing at a rate of \$62.79 an hour, not to exceed 350 hours.
Unanimous in favor.

Request from Joe's Gas to connect to City of Taunton water line-33 Bedford Street

Robert Mather, Esquire, was present for the discussion. Chairman Olivier explained that the Selectmen received a request from Joe's Gas to connect to the City of Taunton water line. Attorney Mather explained that there were questions in the past on the status of the line to the prison, which had a 20 year no touch law. The Selectmen have approved an abutter, Sha Nic Automotive, to connect to Taunton water. Attorney Mather noted that Joe's well is 25' away from the gasoline storage tanks. In the event of a gasoline leak, there could be disastrous results to the well. He noted that the old well would be abandoned since the water is not very suitable for drinking and has an odor. Discussion took place about abandoning the well for public use; perhaps it could be used for irrigation purposes.

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

VOTED: To approve the water line connection for 33 Bedford Street, subject to the City of Taunton's approval and ask that the client consider the recommendation of the Board to abandon their well once the connection is made to Taunton water.
Unanimous in favor.

Discuss memo from SRPEDD regarding Part-Time Town Planner

Ms. Garbitt noted that the Town of Plainville told SRPEDD that they were interested in sharing a Part Time Planner with other communities.

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

VOTED: To send a letter to SRPEDD that Lakeville is interested in sharing a Part Time Planner.
Unanimous in favor.

Request for Curb Cut-189 Rhode Island Road-Jonathan White

Chairman Olivier reviewed the request from Jonathan White for a Curb Cut at 189 Rhode Island Road.

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

VOTED: To approve the Curb Cut request for 189 Rhode Island Road, subject to the Superintendent of Streets' comments in his letter dated March 19, 2012.
Unanimous in favor.

Review proposed Volunteer Forms for website

Ms. Garbitt stated that Joanne Upham has prepared a Volunteer Application that she would like to place on the Town's website. It was noted that the Town Clerk would be changed to the Board of Selectmen's Office.

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

VOTED: To approve the Volunteer Forms for the Town's website as amended.
Unanimous in favor.

Schedule May and June Selectmen Meetings

This item was tabled until the April 4, 2012 meeting of the Board.

Review and vote to approve Selectmen's Meeting Minutes for September 26, 2011; October 3, 2011; October 17, 2011, November 7, 2011; November 21, 2011; December 5, 2011 and December 19, 2011

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

VOTED: To approve the Selectmen's Meeting Minutes of September 26, 2011; October 3, 2011; October 17, 2011; November 7, 2011 and December 19, 2011 as presented.
Unanimous in favor.

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

VOTED: To approve the Selectmen's Meeting Minutes of November 21, 2011 and December 5, 2011 as presented.
Two in favor, one abstention (Selectman Maksy).

Review and vote to approve Executive Session Meeting Minutes of December 19, 2011; December 27, 2011; January 5, 2012; January 9, 2012; January 18, 2012; January 23, 2012 and February 6, 2012.

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

VOTED: To approve the Executive Session Meeting minutes of December 19, 2011; December 27, 2011; January 5, 2012; January 9, 2012; January 18, 2012; January 23, 2012 and February 6, 2012 as presented.
Unanimous in favor.

New Business

Ms. Craig noted that the Board received a request to hold a fundraiser yard sale for a Lakeville child that is ill. They would like to use the Town House on June 9 and June 10, 2012. The application and hold harmless agreement has been submitted, and the facility is available

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

VOTED: To approve the request from Noah's Angels to use the Town House for a fundraiser yard sale on June 9 and June 10, 2012.
Unanimous in favor.

Old Business

Chairman Olivier discussed the renewal of the Fire Chief's contract.

With Chairman Olivier stepping down to make the motion; seconded by Selectman Belliveau, it was:

VOTED: To renew Fire Chief Daniel Hopkins' contract.
Unanimous in favor.

Other Items

1. Letter from Representative Keiko Orrall regarding letters sent to her regarding the Freetown Lakeville Regional School District
2. Letter received from Middleborough Conservation Commission regarding MACC Action Alert-Sustainable Water Management Initiative
3. Letter from FEMA regarding new Flood Insurance Study Maps
4. Memo from Town Counsel regarding Statewide Mutual Aid Programs
5. Notice of SRPEDD Meeting – March 28, 2012
6. Notice of Suburban Coalition Annual Legislative Breakfast-April 25, 2012
7. Department of Revenue Bulletin-FY13 Budget Issues and Procedures
8. Notice from Verizon of Annual Customer Notification and Channel Line Up
9. Notice from Comcast regarding Municipal Emergency Reporting Procedure

10. Memo from Town Counsel regarding Regulating Solar Access Under the Zoning Act MGL. c40A sub section 9B
11. Memo from Town Counsel regarding Telecommunications Act Amendment – Existing Facilities – Approval of Modification
12. Notice of Plymouth County 30th Annual Transportation Breakfast – April 13, 2012
13. Letter from Plymouth County Retirement Association regarding Collective Bargaining Agreements and Employment Contracts
14. Notice from the MBTA Advisory Board that the March 29, 2012 Meeting has been cancelled
15. Letter from the AMEC regarding the 2012 Yearly Operational Plan for CSX Transportation, Inc.

At 9:55 PM, upon a motion made by Selectman Maksy; seconded by Selectman Belliveau it was:

VOTED: To enter Executive Session and not return to open session to discuss strategy with respect to the Collective Bargaining Agreement with the Fire Union because an open meeting may have a detrimental effect on the negotiating position of the Board.
Polled vote: Selectman Belliveau-Aye, Selectman Maksy-Aye, and Selectman Olivier-Aye.